

COLLECTIONS AS COMMUNICATION:  
DEACCESSIONING POLICIES AND PUBLIC TRUST

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**ABSTRACT:**

The intention of this capstone project is to explore and understand the changing relationship between purposively selected art museums in major metropolitan areas and the public those museums serve, as dictated by collections-related policies and practices. While legal and ethical implications of certain collections practices, like deaccessioning, are highly debated, those practices as related to public trust have received significantly less attention. These practices may influence public perception of a museum's transparency and accountability. Qualitative information was gathered through capstone courses and historical-comparative research, taking a hermeneutic approach to existing scholarship, policy documents, applicable laws, and professional codes of ethics.

**KEYWORDS:**

Art Museums, Collections Management, Collections Policies, Deaccessioning, Public Trust

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The Basque Museum & Cultural Center – Boise, ID

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2008 Mountain West Conference on the Arts, Salt Lake City, UT

2007 National Assembly of State Arts Agencies Annual Meeting, Baltimore, MD

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## **Chapter 1: Introduction and Context**

The purpose of this historical-comparative research is to explore and understand collections management policies and practices, especially in regard to deaccessioning, as they relate both to museum professionals and the general public at purposively selected art museums in major metropolitan areas. Collections management and related collections policies differ greatly between museums in the United States. While the legal and ethical implications of deaccessioning objects from a museum are highly debated, the practice of deaccessioning as related to public trust has received significantly less attention. Professional codes of ethics attempt to regulate policies and practices for deaccessioning, more so than state or federal laws (Goldstein, 1997; O'Hagan, 1998; Range, 2004; White, 1996). Both the American Association of Museums (AAM) and the Association of Art Museum Directors (AAMD) call for museums to carefully weigh potential deaccessions against the interest of the public and the larger museum community. Public trust is a factor primarily because whether a museum takes the legal form of charitable trust or non-profit corporation, it serves the general purpose of providing a social benefit to the public, and is a steward of cultural property (Goldstein, 1997; O'Hagan, 1998; Range, 2004; White, 1996). Museums must depend on the public for support, for donations of time, money, objects, and so on, and therefore must maintain the public's trust.

Current trends in museum deaccessioning call for greater transparency of policy and procedures, as well as a clearer definition of the roles and responsibilities of museum directors, staff, and boards. Public outcry against the practice of deaccessioning has contributed to the revision of professional codes of ethics. These codes should be expanded and modified to be of greater benefit and guidance to both museums and the public. Museum professionals have called for greater consensus about the way collections policies are carried out, and the need to make the

process clearer to the public, thereby removing both secrecy in the museum field and myths in the public mind, but there has been little in the way of recommendations for best practices. This is the gap in research this capstone project addresses.

Ainslie (1999) clearly articulates the need for care in collecting objects, and the connection between museum collections and the larger community:

Deaccessioning of collections is not about lowering standards. It is dependent on good judgment and responsibility, and on being true to core values and beliefs. These are the same attitudes which should guide...acquisitions. In the past, there has been a great deal of mindless collecting, along with poor documentation and care of public collections. Deaccessioning is about making difficult but realistic decisions in the interests of the museum and its community. (p. 178)

As Ainslie (1999) explains and Malero (1991) concurs, collections management policies have a great deal to do with the way museums act as reflections of the communities in which they exist. In order for a museum to operate in such a way that inspires confidence from its community, it must collect responsibly, which involves the periodic reevaluation of the collection in order to make sure the objects collected are in alignment with the mission and vision of the institution. In a way, responsible collecting is a form of communication with the public. According to Ainslie (1999), “As the demographics of communities change, museums must reconsider and refocus their collections. Museums must continue to refine and collect in areas appropriate to their core mandate in order to maintain the vitality of the museum” (p. 178).

Collections management policies and collections plans, while related, are certainly not the same thing. This paper focuses less on collections plans than on the use of and detail within collections management policies as related to acquisitions and deaccessions. There is clearly no template for the creation of documents that guide the growth and revision of a museum’s collection, but this study explores important areas for inclusion in such documents.

Using this model, wherein a collection of objects and the ways in which an art museum addresses those objects is a means by which the museum communicates with the public, the idea of public trust is explored. The term “public trust” is not used in the same sense as the term “trustee,” rather it is thought of as the public’s confidence or faith in a museum. The status of that trust, which allows museums to take on a position of authority or at least legitimacy, is difficult to establish and easy to lose (Enseki, 2006; Lowry, 2004; Weil, 1997; Wood, 2004).

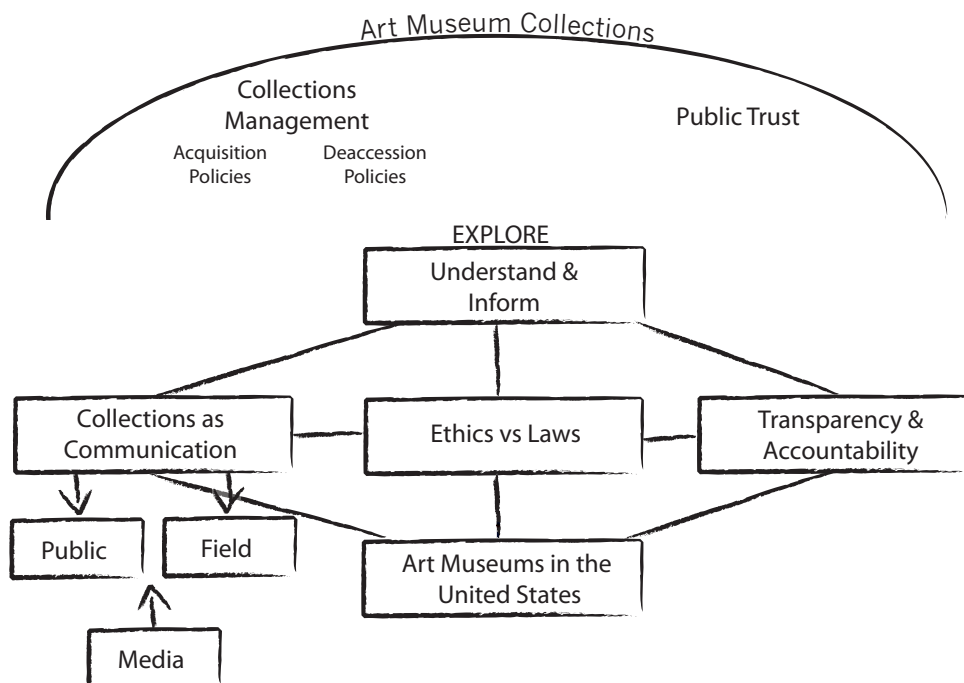
A significant change has occurred in museums of all types over the past century. Slowly, the position of the museum as the ultimate authority has given way to the idea of the public as the leader, and the museum as the follower. The public holds more than just the source of funding; rather, it holds the key to a museum’s longevity and vitality. Museums are no longer temples where knowledge about objects is handed down to the uneducated lower classes (Weil, 1997). They are places of meaning-making, developed from a partnership between the museum and the public it serves (Enseki, 2006; Weil, 1997). There has been an increased emphasis on museums operating “with a sense of responsibility to their communities and [establishing] a strong foundation of public trust and accountability” (Enseki, 2006, p. 2).

This study includes a further review of the literature in all of these concept areas. In order to develop a more comprehensive understanding of the relationship between collections and the public, this paper examines collections management, codes of ethics, and the idea of public trust. Particular attention was paid to when significant changes in roles and meanings of both collections and the public took place in history.

### *Conceptual Framework*

In order to address the aforementioned gap in research, several broad concepts related to the museum field were explored. An examination of art museums in major metropolitan areas in

the United States serves to explore domestic issues in the field. As the conceptual framework (Figure 1.1) shows, all of the concepts fall more specifically under the umbrella of art museum collections. The first concept is collections management, especially in relation to acquisitions policies and deaccession policies. The second concept is public trust, and the ways in which it relates back to the first concept. The goal of this research was to explore and understand the topic, thereby informing the field. In order to thoroughly explore the topic, several more related concepts are explored. The first is collections as a means of communication, with the public and with the field, and ways in which mass media may influence that communication. Second is a comparison between both state and federal laws governing the collections practices and policies of a museum, and international, national, regional, and state-specific professional codes of ethics dictating how museums *should* act. Last are the concepts of transparency and accountability in collections practices, which link across the framework and have a direct relationship with the ways in which a museum's collection communicates to the public and the field.



**Figure 1.1 - Conceptual framework informing this inquiry**

## **Research Methodology**

### *Overview of Research Design and Strategy of Inquiry*

The strategy of inquiry for this work was based on the examination of existing literature and documents related to the research questions. Qualitative data was gained from an extensive literature review of museum and art journals, case studies, law journals, court cases, professional codes of ethics, books, websites, and interviews and reports from media sources such as newspapers, blogs, and transcripts from radio interviews. Documents were also gathered from archives and art museum websites to create case study vignettes of two art museums, exploring more in-depth scenarios of collections management policies and practices and their related reactions from and involvement with the public the institutions serve.

I employed a historical-comparative approach to this research. As Neuman (2006) notes, “historical-comparative research is suited for examining the combinations of social factors that produce a specific outcome...” (p. 420). The historical-comparative approach is a method of closely examining the context of past events (Griffin, 1995; Mahoney & Rueschemeyer, 2003; Neuman, 2006; Paige, 1999; Stryker, 1996). Context is a vital factor because combinations of causal factors result in unique events. This ties in with the interpretivist-constructivist methodological paradigm of this research, in which there is no one set reality. Social conditions are constructed within and vary widely around different museums. A historically grounded explanation of developments in museum policies works significantly toward the purpose of this study.

Although the researcher’s ability to make generalizations about the links between history and theory from historical-comparative research is highly debated (Griffin, 1995; Mahoney & Rueschemeyer, 2003; Neuman, 2006; Paige, 1999; Stryker, 1996), it is nevertheless important to

introduce new sets of questions and new theories about certain museum practices. There is some potential for advancement of practices through generalization, but the researcher must keep in mind the myriad of causal factors surrounding specific events in the past – factors not likely to be duplicated in entirely different contexts (Mahoney & Rueschemeyer, 2003; Paige, 1999).

Historical circumstances are intensely conditional. This research closely examines and works to explain those conditions around purposively selected instances in art museums, considering internal factors and how the larger field may have influenced or responded to those factors. Part of the appeal of the historical-comparative method was the accessing and reinterpretation of archived data, which provided insight into both the internal and external relationships established and maintained by each institution. A close reading of primary sources was telling in regard to what documents were selectively preserved, left out, or destroyed (Neuman, 2006; Stryker, 1995; Webb, Campbell, Schwartz, Sechrest, & Grove, 1981).

I completed two courses in order to assist my research. The first was Perspectives in Media Management, a course conducted online by Dr. John Fenn. During this course, students explored the intersection of arts administration and media use. The class maintained a blog to discuss questions and concerns surrounding the issues brought up by arts organizations' use of media and the stakeholders involved. I developed my discussion of the Indianapolis Museum of Art's deaccession database during this course.

Professor Dominick Vetri in the University of Oregon's School of Law taught the second course, Art Law. In this course, students analyzed domestic and foreign law, as well as treaties and conventions as related to artists, fine art, and cultural property. This course assisted me in analyzing the legal aspects influencing art museums in the United States. I gained an

understanding of legal terminology, and examined laws and court cases affecting collections policies and practices in art museums.

### *Assumptions*

As a museum professional, I carry certain biases. I find that collections management documents lack consistency across the field, and while codes of ethics are useful for guiding museum practice, they often are more restrictive than insightful. I believe deaccessioning is an effective tool for aligning a collection with the mission of a museum, but in my experience the public generally does not understand why an object would be removed from a “permanent” collection, and tends to express anger or distrust as a result. Transparency is an honorable goal for museums, but one that needs careful handling and implementation.

In this inquiry, I positioned myself in the interpretivist-constructivist methodological paradigm, also influenced by critical inquiry. I positioned myself in this manner because collections management is a very complex subject. There is no one proven way for a museum to go about making collections decisions. The beliefs and values of museum staff shape those decisions. The nature of reality varies widely between museums, based on past and present human interactions in each particular setting. I believe the language used in policy documents is an indicator of internal and external relationships, and vital to understanding the reality of each setting. The critical inquiry influence comes from my desire to compile knowledge to foster positive development with collections policies. I wish to inspire change in the field by raising awareness of issues in museums, particularly the way they communicate internally and externally through policies and procedures.



### *Research questions*

The main research question was: How do art museums' activities, centered on collections management policies, relate to their relationship with the public and the field? Sub-questions were: What is deaccessioning, and how does it relate to ideas about cultural property? What kinds of activities can a museum engage in to make their collections practices more transparent to the public? In what ways have the state or federal laws and professional codes of ethics that influence or govern museum behavior changed over time?

### *Definitions*

Accession – the process of entering an acquired object into a museum's official collections catalog, including registration and documentation.

Acquisition – the formal process of establishing legal title to an object and accepting the object into a museum's collections.

Collections management – a general term for the physical care and documentation of collections.

Deaccession – the sale, transfer, exchange, or destruction of an object from a museum's permanent collections.

### *Limitations and Delimitations*

The majority of museums worldwide acquire and remove objects from their collections. Given the enormous scope of the world's museums, this study focuses only on art museums in the United States, and only those in major metropolitan areas. Bringing international issues into the study would only serve to broaden the scope and weaken the focus of the research questions. Two art museums selected for study, resulting in short case study vignettes, are also very finely focused. One is an institution that has received significant media and scholarly attention for its

lack of transparent practices and policies. Conversely, the other art museum chosen is a “model” institution with accessible publications, practices, and policies.

The area of collections management policies is very broad. AAM (2004b) recommends 17 different areas for inclusion in a museum’s written collections management policy (para. 2). This study will examine only up to five areas of concern within collections management policies, namely deaccessioning, acquisitions, access (to records), codes of ethics, and laws.

My primary limitation for this study was facing some restricted access to collections management policies and codes of ethics, limiting the opportunities for comparison across different institutions and further limiting the generalizability of the study.

### *Benefits of the Study*

Since the purpose of this study was to explore the nature of the connection between art museums’ collections management policies and public trust, the benefit of this study is geared toward the museum field in general. Another benefit of this study was personal, developing a basic background in collections management policy issues and the related legal environment.

## Chapter 2: What is Deaccessioning?

Deaccessioning is a museum practice, falling under the administrative category of collections management. When an object is *accessioned*, it is officially incorporated into the permanent collection of a museum. It receives an object record including such pertinent information as who donated it (or where it was purchased from and with what funds), its provenance, biographical information of the artist, a physical description including condition notes, and the deed of gift. Contents of this record vary between museums, but the items listed here could be considered standard. An accessioned object is securely stored, cared for by monitoring for environmental conditions and pests, sometimes displayed, and sometimes used for research purposes or loaned. It is important to note that loans from other museums are not accessioned, as they are not part of the borrowing institution's permanent collection, though the object may receive a temporary record in a collections database.

A *deaccessioned* object does not necessarily leave the museum; it could, for instance, become part of a teaching or study collection. According to the AAM (2004a), a museum can have several different types of collections, such as permanent, research, and educational. Different types of collection require different levels of care. For instance, objects in educational collections are not subject to the same storage, special handling, and exhibition needs of objects in the permanent collection. Methods of disposal include transfer or exchange to another institution, destruction (often in the case of severely deteriorated works), or sale. The selling of deaccessioned objects garners the most scrutiny. Sale to a board or museum staff member is discouraged by professional codes of ethics (discussed later) and considered self-dealing. Private sales do occur, although codes of ethics for museums encourage sale by public auction. Although

the object may leave the collection and care of a museum, it is a generally accepted “best practice” to permanently maintain a copy of any records related to the object.

Museums are complex institutions with many functions, including but not limited to collecting, conservation, education, and research. Whether a museum takes the legal form of charitable trust or non-profit corporation, it serves the general purpose of providing a social benefit to the public, and is a steward of cultural property (Goldstein, 1997; O’Hagan, 1998; Range, 2004; White, 1996). As such, donors carry certain expectations when bequeathing objects to museums, namely that the museum will exhibit, properly store, maintain, and safeguard the object in perpetuity. However, as charitable trusts or non-profit corporations, museums are dependent on public and private funds. O’Hagan and White point out that while the assessed value of museum collections can indicate a very high value, those assets are not liquid. Museums are constantly underfunded, and with a decrease in both governmental support and private donations, the selling of objects from a museum’s collection is sometimes necessary in order for the museum to remain solvent, and thereby best serve the public interest (O’Hagan, 1998; White, 1996; Malero, 1991; Goldstein, 1997; Range, 2004).

The connotation of the word “deaccession” varies widely across the field. To some, it has a strong administrative definition. For instance, Goldstein (1997) and White (1996) define deaccession as the permanent removal of an object from a museum’s collection with the intent to sell it. Range’s (2004) definition is similar, but incorporates exchanges, donations, and transfers into the method of “removal.” Others understand “deaccession” to be both an administrative and a strongly intellectual decision. Malero (1991) and O’Hagan (1998) expand the definition of deaccession to incorporate the purpose of defining and refining a collection through the removal of lesser works with the intention to acquire more important works in order to further the mission

and goals of a museum. No matter how it is defined, all agree that deaccessioning is not expressly wrong, and none call for banning the practice.

### *Public Reception*

The reasons why museums choose to permanently remove objects from their collections is not something well understood by the public. The true cost of storing and maintaining objects is undervalued (Goldstein, 1997; O'Hagan, 1998; White, 1996). Space itself is very costly, as well as the conservation of objects. Critics argue that museums need to have the freedom to dispose of objects, to change the content of the collection, and to relinquish objects they cannot properly care for. Malero (1991) and O'Hagan (1998) claim museum trustees will accept donations of objects not clearly related to their mission or collecting goals in order to maintain a positive relationship with the public. The act of storing objects that will not be exhibited or researched is detrimental to the core functions of a museum. The potential reactions of the public as well as the museum community weigh heavily on the decision whether to deaccession works. Range (2004) and O'Hagan (1998) discuss the set of risks attached to deaccessioning. Donors may place stringent restrictions on gifts to the museum in the effort to make sure the object is never subject to deaccession, and negative publicity may reduce donations or attendance.

### *Regulation*

Very few state laws and no federal laws (Goldstein, 1997; Range, 2004) regulate deaccessioning, either the act itself, or the way in which deaccession proceeds are spent. Museums in the United States have legal power to permanently remove objects from their collections. As Malero (1991) and White (1996) state, the decision to dispose of assets is ultimately in the hands of governing boards of private citizens. The public cannot directly bring action against a museum for deaccessioning, but in past cases the public has drawn the attention

of the state attorney general. The attorney general may initiate litigation against a museum director for mismanagement after a sale of assets, or block the sale of the public's interest. However, courts have not made any effort to create guidelines for deaccessioning. Museum directors have no clear guidance, at least from legislative sources, as to whether deaccessioning is an appropriate tool, or how funds can or should be spent to benefit both the museum and the public (Malaro, 1991; Range, 2004; White, 1996). State laws as well as trust instruments, charters, and bylaws rarely address in what ways a museum can use deaccession proceeds.

In the United States, professional codes of ethics attempt to regulate policies and practices for deaccessioning, more so than state laws (Goldstein, 1997; O'Hagan, 1998; Range, 2004; White, 1996). Though these codes have no enforcement power, both AAM (2000) and AAMD (2001) address deaccessioning. Both codes ask museums to carefully weigh potential deaccessions against the interest of the public and the larger museum community. They also recommend that the curatorial staff and director provide justification for an object's disposal, working together to assess the importance of the object in relation to the entire collection and the mission of the museum. AAMD specifically states that the process of deaccessioning should be just as rigorous as the process of acquiring an object. Both codes have a limited definition of acceptable use of deaccession proceeds, discussed further in my chapter on professional codes of ethics. Malaro (1991), O'Hagan, and Range point to these codes as ways in which museum professionals have placed limitations on their own freedom to deaccession.

Critics of deaccession practices call for clear legal guidelines for museum trustees and freer use of deaccession proceeds. Although professional codes of ethics expressly prohibit the use of deaccession proceeds for operating expenses, Goldstein (1997) and White (1996) both argue in favor of allowing museums to use funds in such a way. They also both favor

deaccessioning as a last resort, after a museum has explored nonsale alternatives such as touring an exhibit, fundraising, using works in educational programs, or loaning or renting out objects. But if deaccessioning of work is necessary, they advocate for use of funds to maintain a building, care for collections, and operate programs. They argue if such assets and activities are allowed to deteriorate, the museum is not acting in the interest of the public good.

### *Conclusion*

Trends in the field indicate a desire to reduce the level of self-limitation in the use of deaccession proceeds. Deaccessioning practices need to be reexamined under the wider lens of collections planning and management. In the scope of a museum's functions, deaccessioning is only a small part of internal activities, but often receives the most media attention and most passionate reactions from museum patrons. The topics of legal and ethical implications have been explored, but the practice of deaccessioning as related to public trust has not. While museum professionals call for greater consensus about the practice and the need to make the process clearer to the public, thereby removing both secrecy in the museum field and myths in the public mind, there has been little in the way of recommendations for best practices.

In the remainder of this document, I will systematically explore aspects of codes of ethics, collections management policies, the concept of public trust, and give a couple of contemporary examples of deaccessioning practices. In the following chapter, I examine the codes of ethics of professional museum associations. These codes of ethics have become the primary tools for museums' self-regulation in the United States. I touch on the codes from AAMD and ICOM, but primarily examine the changes seen in AAM's code since its creation in 1925. Professional museum associations are some of the strongest voices in the deaccession

debate, it is important to understand their positions as a foundation for arguments for or against current deaccession policies and practices.



### **Chapter 3: Codes of Ethics and a Proposed State Law Regulating Deaccessioning**

Do museums or their related professional associations have a distinct influence over the creation of official institutional policies, especially at the state level? Later in this chapter, the codes of ethics from three professional museum associations will be examined. I will briefly address AAMD and ICOM's most current codes, and then look closely at the entire historical trajectory of AAM's codes from 1925 to 2000. The debate around deaccessioning originated mainly from the "rules" laid out in the codes of ethics I will discuss here. Lastly, I will examine a proposed bill that addresses deaccessioning in New York.

In the United States, and worldwide, museums act as a type of social lens. Ideally, our collective stories and histories are stored and retold from within museum walls, and extend into the community through the museum's programs. These stories and histories can be personal, specific to a group of people, a municipality, state, region, or nation. Specific points in time are preserved and new, contemporary ideas are created and exhibited. What began as cabinets of curiosities grew in social position and professionalism to emerge as cultural authorities. Through this particular stance, one in which the public views a museum as the authority or expert on a certain subject, museums maintain a level of influence on cultural practices. A great deal of cultural curation takes place in museums. According to Kurin (2000):

Museums are empowered with a still potent discourse of scholarship, science, and legitimation. They offer an ideal crossroads for bringing together 'us' and 'them,' the tellers of tales and the listeners, the scholar and the student, the spokesperson and the citizen, the expert and the tourist, the makers of history and its curators. They are in an ideal position to broker culture among a variety of constituents. (p. 353)

It is important to note a fundamental change in museums over the past few decades "from an inward-directed establishment whose prime responsibility is its collection to an outward-oriented, outcome-based social enterprise that is accessible, unpretentious, and lively"

(Wyszomirski, 2000, p. 205). Weil (2004) concurred, stating that since the 1970s, “the very nature of museums themselves underwent an almost complete transformation, in which their focus changed from an inward concentration on their collections to a newly articulated outward concentration on the various publics and communities that they served” (p. 284). Consequently, museums operate in a “public fishbowl...[living] under the perpetual threat that any perception of wrongdoing may jeopardize their funding” (p. 289).

Schuster (2003), while discussing cultural policy in state government, made a valuable argument for government support of the status quo. Museums, with their intense self-regulation in regard to codes dictating professional behavior, have over the decades set certain standards in place that are consequently easy for state governments to support. According to Schuster:

It is easier to build a public policy consensus around the already created...than around the about-to-be created. It is much more difficult to articulate policy with respect to the support of creativity than with respect to the support of legacy. Legislators prefer the known to the unknown... (p. 32)

For instance, in New York the legislature amended a law enforcing some of the standards already set in place as ethical practices by the AAM (1994, p. 275). As of this year, a bill was introduced in New York proposing to amend the existing Education Law to prohibit museums from using proceeds from deaccessioned artwork for any purpose other than replenishing the collection (New York State Assembly, 2009). A practice firmly established by the museum field is moving toward becoming official state cultural policy.

Since the turn of the twentieth century, professional codes of ethics for museums have evolved in this country. Why have a code of ethics at all? Who is the code directed to, and what purpose does it serve? Edson (1997) defined ethics as a branch of philosophy, dealing with the science of conduct (p. 5). The purpose of a professional code of ethics is not to instruct museum staff on how they should not act. “It is not the purpose of a code of ethics to compile a list of

facts and to give directions for their compliance; nor does a code of ethics give personal advice or instructions” (p. 43-44). Ethics are dissimilar from laws as well. There are laws in place telling museums what they can and cannot do as non-profit institutions, but it is a minimum standard of behavior. Codes of ethics are created in order to go beyond that minimum requirement. With the notion of self-regulation in order to refine technical and ethical practices in the field in mind, MacDonald (1994) noted a belief held by the museum community that “if museums did not regulate themselves, others, such as government, would” (p. 261). Through a system of self-regulation, museums advance professional practice.

It is important to include a note on consequences. What happens to a museum if it acts in violation of a code of ethics? A primary consideration is the degree of violation. Edson (1997) claimed the profession is known for acting in a benevolent manner toward institutions that make bad decisions “owing to ignorance” (p. 48). For more serious infractions, a typical consequence is along the lines of avoidance of the institution. For example, if an AAM-accredited museum violates one of the “rules” in the code of ethics, AAM may decide to revoke the museum’s accreditation. When the museum’s AAM accreditation is revoked, aside from some potential amount of public disdain and media attention, other institutions are far less likely to loan work to the museum. They may suffer penalties in successfully applying for funding as well.

Paramount to the existence of codes of ethics is the training of museum staff and those people associated with the museum, such as board members and volunteers. All must agree to follow the code, and all must understand the code. Codes of ethics have a dual internal-external nature. In the internal sense, these codes guide correct practice of museum staff, volunteers, and board members. From an external perspective, the codes promise a level of responsibility to the public served. Boyd (2004) defined the “public” to whom museums are accountable as

“comprised of various individuals, groups, and organizations: visitors to the museum; donors; peers; other museums; regulators, including the state attorney general, the legislature, and the IRS; cultural groups; employees; and the community at large” (p. 352).

A professional code of ethics acts as a contract with the public. It is a promise, much like the mission statement printed just inside a museum’s door, on the institution’s website, or publications. Essentially, the museum promises to act in such a way as to inspire and maintain the public’s trust. Not only do the objects in the collection communicate with the public, the code of ethics that implies the museum’s attitude toward those objects does so as well. “Museums are about objects and all the ramifications associated with objects – they are also about people. Museum ethics is about how people and objects are treated” (Edson, 1997, p. 40).

It is certainly possible to challenge, review, and revise codes of ethics. Edson (1997) agrees, “they need to be rethought by each new generation of museum personnel in consideration of greater technical knowledge and a deeper understanding of the museum as an institution in the service of humankind” (p. 10). Blind adherence is not enough; the *reason* behind the ethics is also a concept that staff needs to comprehend. The code lends itself as a tool for “systematic investigation...in the process of ethical conduct” (p. 38) and leads to a greater institutional capacity for problem solving. For the purposes of this investigation, seven important documents in the historical arc of museum codes of ethics will be examined: the Association of Art Museum Director’s (AAMD) code of ethics from 2001, the 2006 International Council of Museums (ICOM) code, and the American Association of Museum’s (AAM) codes of ethics from 1925, 1978, 1991, 1994, and 2000.

*The Association of Art Museum Directors Code*

Twelve American art museum directors formed the AAMD in 1916, and formalized their status as a professional museum organization in 1969 (AAMD, 2010). The association currently has 193 members in the U.S., Canada, and Mexico. Membership in AAMD “is open to persons who serve as directors of art museums in the United States, Canada, and Mexico which by purpose, size, and standards of operation meet the eligibility requirements established by the Trustees of the Association” (2010, para. 3). The organization adopted a code of ethics in 1966 and has amended it just five times between 1971 and 2001. In its current iteration, the code has a brief statement in regard to deaccessioning, “a museum director shall not dispose of accessioned works of art in order to provide funds for purposes other than acquisitions of works of art for the collection” (AAMD, 2001a, p. 21). However, in their publication *Professional Practices in Art Museums* (2001b), the AAMD does have more in-depth guidelines and recommendations for the creation of deaccession policies and a more detailed explanation of the association’s position on the practice. Similar to AAM, they have created resources for art museum directors to turn to when making difficult decisions, but those lengthy recommendations are not part of the foundational code of ethics.

AAMD (2001b) requires museums to carefully weigh potential deaccessions against the interest of the public and the larger museum community. AAMD also recommends that the curatorial staff and director should provide justification for an object’s disposal, other than simply a need for money, working together to assess the importance of the object in relation to the entire collection and the mission of the museum. AAMD specifically states that the process of deaccessioning should be just as rigorous as the process of acquiring an object.

### *The International Council of Museums Code*

ICOM formed in 1946 and currently has members in 137 countries. The organization is affiliated with the United Nations Educational, Scientific and Cultural Organization. ICOM first published its first full code of ethics in 1986, and revised the code in 2001 and 2004 (ICOM, 2006). ICOM's 2006 code of ethics for museums, much like AAMD, sets a minimum standard of practice for member museums. ICOM differs significantly in that more detailed directions for activities around deaccessioning are included in the actual code, rather than in supporting documents created and published at a later time. The code addresses museums' legal power of disposal, includes a brief discussion of restrictions on gifts, who among the staff and board should take responsibility for deaccessioning, how objects should be disposed of, appropriate use of income from disposals, and who may or may not purchase deaccessioned works.

ICOM, like other codes, includes a broad statement warning museums to fully take into consideration the various impacts of removing an object from the permanent collection:

The removal of an object or specimen from a museum collection must only be undertaken with a full understanding of the significance of the item, its character (whether renewable or non-renewable), legal standing, and any loss of public trust that might result from such action. (2006, p. 4-5)

ICOM's stance on the use of funds from disposals is somewhere between AAM and AAMD. Income from the sale of deaccessioned objects "should be used solely for the benefit of the collection and usually for acquisitions to that same collection" (ICOM, 2006, p. 5). So, though income from such sales should *usually* go toward acquisitions, the purchase of items or services to support the collection also appears to be within ICOM's standards.

### *Codes from the American Association of Museums*

The AAM created their first code of ethics in 1925. The mission of the association is to "enhance the value of museums to their communities through leadership, advocacy, and service"

(AAM, 2009a, para. 1). According to their website, since 1906, AAM has assisted professionals in the museum field by:

Helping to develop standards and best practices, gathering and sharing knowledge, and providing advocacy on issues of concern to the entire museum community. We are dedicated to ensuring that museums remain a vital part of the American landscape, connecting people with the greatest achievements of the human experience, past, present and future. (para. 2)

Prior to its twentieth annual meeting, a committee convened to develop a code of ethics for staff and board members of museum in the United States. In 1925, membership voted unanimously to adopt AAM's first code of ethics for the museum field (AAM, 1974, p. 26). Entitled *Code of Ethics for Museums Workers*, the code has been revised several times since its first writing, most recently in 2000. What follows is an examination of the primary intentions and drastic changes in the code during the 75 years between 1925 and 2000.

#### *AAM's 1925 Code of Ethics for Museum Workers*

The 1925 code focuses intensely on organizational culture. The document addresses relationships between the museum and the public, other museums, the director and the trustees, and between staff members. Collections are mentioned only in the context of not acquiring objects "obtained through vandalism" and not directly competing with museums collecting similar objects (AAM, 1974, p. 26). Between museums, the code encourages a relationship of collaboration, honesty, and shared research. In regard to exchanges of objects, "a museum should not 'corner the market' by refusing to dispose of duplicate specimens to other museums" (p. 27).

AAM's 1925 code may seem lacking in the way it deals very briefly with collections management. It treats museums like businesses or research institutions, where respect, collaboration, a pleasant working environment, and a pleasant attitude of service to the public are all desirable attributes. As a guiding document for the role of museums in society, the 1925 code lacks the critical element of enforced adherence (MacDonald, 1996, p. 35). Due to the lack of

concrete consequences, museums in the United States did not necessarily accept AAM's code as "law" within institutional walls.

The developments and revisions of AAM's code are "intimately related to the growth of knowledge, the emergence of new understandings, the development of new institutional structures, and changing relationships" (Edson, 1997, p. 191). Although the 1925 code does not address such activities as self-dealing, illicit acquisitions, or other subjects museum professionals would consider essential elements of an ethical code today, the document set important foundations for later revisions to the code. It introduces a theoretical foundation for museums of service to the public. According to the code's introductory section:

Museums, in the broadest sense, are institutions which hold their possessions in trust for mankind and for the future welfare of the race. Their value is in *direct proportion to the service they render the emotional and intellectual life of the people* [italics added]. (AAM, 1974, p. 26)

According to Hein (2000), the 1925 code reflected "American commitments to populism, pragmatism, and education, [and] stressed the dissemination of knowledge throughout all levels of society" (p. 93). Hein further argued that the document characterized museums as "instruments for community betterment" (p. 93), inclusive of all members of society, not merely the privileged.

#### *AAM's 1978 Report on Museum Ethics*

The next revision in AAM's code of ethics did not come about for another 53 years. In the June 1974 issue of *Museum News*, AAM's monthly magazine, the association reprinted the 1925 code of ethics with a note regarding the code's evident lack of wide usage:

To the editor's knowledge, this document constitutes the only general code of ethics ever ratified by the Association's membership. Nearly five decades have passed since the publication of the Code, and many museum professionals who are members of the Association are not aware of its existence. (AAM, 1974, p. 26)



Edson (1997) similarly mentioned that the code had remained unaltered for half a century and no longer reflected the needs of museums in the United States (p. 192).

The AAM never adopted their 1978 publication, *Museums Ethics*, as an official code of ethics. Rather, the Committee on Ethics developed it as a report to the AAM. Former AAM President Joseph M. Chamberlain appointed the Committee on Ethics in 1974 (AAM, 1978, p. 21). The 20 members of the Committee on Ethics consisted primarily of museum directors and chief curators from a range of museum disciplines, such as history, art, and natural history, as well as children's museums and national monuments (p. 21-22). The report was created with the "hope that the association, its officers, council and membership will use this report toward the betterment of our museums and the furtherance of their purposes" (p. 22). More specifically, the report was intended to provide "guidelines against which current museum policy and practice can be tested for ethical content" (p. 22).

Between 1925 and 1978, as the number of museums in the U.S. grew, the need for self-regulation became more and more the focus of the field. As MacDonald (1996) observed, "more than three thousand museums of every type and discipline were created...throughout the country. University training and specialization created a technically more proficient profession composed of individuals with diverse skills, interests, and approaches to their work" (p. 36). The era of blockbuster exhibitions, expanded facilities, as well as major growth in support and collections, led to increased governmental attention and scrutiny (p. 36).

The preface to the report makes a point of highlighting changes in the field since 1925. "Museum policy with respect to collecting has been influenced by expanded public awareness, a changing social conscience, and the decrease in intellectual isolationism and specialization among museum professionals" (AAM, 1978, p. 21). In recognition of these changes, the

introduction to the report mentions several times the desire for consensus across the museum field regarding a set of standardized ethical practices. Hein (2000) observed that the report contained “far greater attention...to internal self-regulation of the museum community and to the explicit formulation of professional practice” (p. 94).

The report addresses ethical issues in four overarching categories: collections, staff, museum management, and museum governance. The document, much lengthier and immensely more specific than the 1925 code, was intended to focus the attention of the museum field on those issues. Ultimately, this report attempts to act as a guide for the creation of policies at the institutional level, as the introduction states, “to deal with the issues raised, each institution should develop its own document” (AAM, 1978, p. 22). Enforcing this last point, MacDonald (1996) reflected, “the 1978 ethics statement focused on internal human and collection management concerns, addressing the ‘how’ of museum work rather than the ‘why’” (p. 36). A large portion of the document is dedicated to discretion on the part of museum staff and board in order to avoid giving the public the impression of any wrongdoing.

Since, as previously mentioned, the 1978 report was not adopted as official policy of the AAM, it also had no enforcement built in. Member museums faced no penalties for failing to adopt AAM’s ideas regarding ethical practices. Yet, MacDonald (1996) asserted that the 1978 report greatly influenced the public and the field:

The 1978 statement on ethics served the profession well and was used both by the museum community and by other such as governmental agencies and the press. In its approach it reflected the growing stress on a profession faced with increased public pressure and the changing roles and relationships of volunteer boards of trustees and paid specialists. (p. 36)

In regard to deaccessioning, the 1978 report recognizes acquisition and disposal as normal museum activities. The report encourages museums to create a collections management policy and make the document publicly accessible. Additionally, although the report does not

specifically address allowable uses for funds received from the sale of deaccessioned objects, it does encourage museums to “weigh carefully the interests of the public for which it holds the collection in trust” (AAM, 1978, p. 23).

*AAM’s 1991 Code of Ethics for Museums*

The next major revision to AAM’s code of ethics took place between 1987 and 1991. The new code was developed by a six-member group, consisting of select AAM staff members, former AAM presidents, and a lawyer who also taught graduate-level museum studies courses (MacDonald, 1994, p. 258). The process of creating the official code took the form of submitting white papers to regional meetings of museums for feedback and revisions. One of the most important developments from the process was the need to make the code somehow enforceable. “Museums that subscribe to the *Code of Ethics for Museums* and develop their own institutional codes will confirm the canon of public service as the foundation of their activities and further their contributions to a democratic society” (p. 261). As stated in the actual document, *Code of Ethics for Museums*:

[As] of 1 January 1992, each non-profit museum member of the [AAM] must, as a condition of membership, subscribe to the AAM Code of Ethics for Museums. Subsequently, these museums must set about framing their own institutional codes of ethics, which are to be in conformance with the AAM code and to expand on it through the elaboration of specific practices. (AAM, 1994, p. 272)

The penalty for not subscribing to the 1991 code of ethics, or by failing to implementing an institutional code of ethic by the January 1, 1997 deadline, was the withdrawal of AAM membership (p. 276).

One of the most notable differences between the 1991 and prior documents is length. The 1991 code consists of a brief introduction, short bulleted sections on governance, collections, and programs, and a final section on implementation (i.e. mandatory adoption of the code for

continuing or new member institutions). As a whole, this document focuses on broad, institution-wide issues, rather than the richly detailed interpersonal focus of prior versions. As MacDonald (1994) noted, the finely detailed list of practices was not included in the revision because “the task force hoped to avoid confusion between commonly held ethical principles and recommendations for specific techniques for applying those principles” (p. 260).

The theoretical underpinning of public service from prior versions comes to the forefront of the 1991 code. The governance, collections, and programs section each include language regarding a high level of responsiveness to the interests and needs of society, public trust, accessibility, and promotion of the public good. Key phrases and ideas are repeated throughout the three sections. The first bullet point of each section has a variation of the phrase, “support [the museum’s] mission and public trust responsibilities” (p. 275-276) either in regard to collections, programs, or individuals who work for the museum.

As the 1991 code represents the first enforceable policy, the document also outlines the importance of the museums adopting institutional codes of ethics that go beyond the minimum standard of the law. “Museums and those responsible for them must do more than avoid legal liability. They must take affirmative steps to maintain their integrity so as to warrant public confidence” (AAM, 1994, p. 274). Boyd (2004) agrees with this last point, drawing in again the need to go beyond mere avoidance of legal liability, “as public servants, museums are accountable to the public through government-, self-, and peer-imposed regulations. The more we try to be accountable, the more our constituencies will hold us accountable” (p. 361). Although the newly developed code of ethics had no legal ramifications according to state or federal laws, this professional code does have an influence on the nation’s legal framework.

Unlike the 1978 report, the 1991 code restricted the use of proceeds from deaccessions to replenishing the collection, “disposal of collections through sale, trade or research activities is solely for the advancement of the museum’s mission, and use of proceeds from the sale of collection materials is restricted to the acquisition of collections” (AAM, 1994, p. 275). Moving forward, the next two revisions of the code made small changes using the 1991 code as a template.

#### *AAM’s 1994 Code of Ethics for Museums*

A critical change occurred between the 1991 and 1994 codes – AAM built in flexibility with the use of proceeds from deaccessions. They expanded upon the 1991 statement on deaccessioning by adding one sentence, “proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum’s discipline, but in no event shall they be used for anything other than acquisition or direct care of collections” (AAM, 1996, p. 44). “Direct care” may encompass many aspects of museum operation, including secure storage facilities, cataloging, environmental and pest control, storage hardware, and conservation.

#### *AAM’s 2000 Code of Ethics for Museums and Supporting Documents*

In its present iteration, AAM’s *Code of Ethics for Museums* has maintained the limited discussion on deaccessioning. The code mentions museums’ responsibility to act as stewards of the world’s cultural materials, “stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal” (2000, p. 3). The segment of the code directed specifically at deaccessioning has not changed from the 1994 version.

Although the AAM has not updated their code of ethics since 2000, they have periodically issued statements to assist museums (especially AAM accredited museums) with difficult decision-making processes. For instance, as recently as November 2008, they reiterated museums' responsibility to the public, especially in regard to maintaining collections in the interest of the public good. AAM recognizes that objects within the collection may be threatened during economic downturns. "Collections often receive special scrutiny during retrenchment, either because of the expense of maintaining them appropriately or because of their potential as financial assets" (2008, p. 1). The deaccessioning process itself is not an activity without its own expenses. Museums must spend staff time on research into documentation, may require appraisal, or legal counsel. AAM (2008) echoes Malero's (1991) assertion that deaccessioning is not a quick process, and it should not be utilized as a "quick fix" to an institution's problems. AAM recommends that museums facing retrenchment consider keeping objects in the public domain via transfer or sale to another non-profit museum, and avoid capitalizing collections.

At the heart of AAM's reports and codes of ethics is the desire to go above the minimum standard of behavior in all aspects of operating a successful museum. AAM's work defines not only the theoretical foundation of museums in service to the public, but also attempts to define a current consensus of professional practice, to elevate the public trust, and to continue to protect and preserve the collective treasures of our past, present, and future. This trajectory of codes of ethics from 1925 to 2000 illustrates the evolution of museum self-identification from organizations acting as keepers of things, to instruments of education, to institutions with moral functions, including but not limited to defining the role of museum workers as professionals subject to certain strict ethical standards reaching beyond the standards set by law. Due to this high degree of self-regulation, governmental bodies within the U.S. not only recognize but also

expect a certain standard of behavior from museums, and even now are slowly making motions to set certain ethical standards created by AAM into concrete laws.

### *New York's Brodsky Bill*

New York State Assemblyman Richard Brodsky introduced bill number A06959, commonly referred to as the Brodsky Bill, in March 2009 with the purpose of creating “rules for deaccessioning of items in a collecting institution's collection and to regulate the use of funds from disposed items” (New York State Assembly, 2009, Purpose section, para. 1). Cash (2009) describes the bill as a reaction to the New York Board of Regents’ near passing of “an emergency amendment that would have allowed for the sale of objects by institutions in financial crisis” (para. 1). The bill has, to date, not received an enthusiastic or positive response from the museum community. It presents problematic restrictions and demands for New York’s museums. According to Pogrebin (2010), one of the biggest issues this bill raises is the fact that it puts serious limitations on museum finances at a time when many museums are struggling to stay open. New York State Assemblyman Bing “objected to the bill on behalf of several major museums in his Upper East Side district that had expressed their concerns. ‘To do this in the most significant economic downturn since the Great Depression doesn’t make sense’” (para. 9-10). Conversely, another assemblyman supported the bill, stating “now is the best time to be doing this because [during times of economic downturn] is when those institutions will be most tempted to sell to the private sector something that belongs to the public” (para. 11). Brodsky acknowledged the current economy as an impetus behind this bill (Cash, 2009).

Looking over the summary of provisions, this bill requires all of the collecting institutions in the state of New York to undergo some major administrative processes. In addition to the rules it sets out for deaccessioning, the bill requires all collecting institutions to “publish a

register of every item in their collection” (New York State Assembly, 2009, Summary of Provisions section, para. 3) within three years of the bill’s passing. It also requires institutions “to adopt and publish a binding collections management policy and mission statement” (para. 1). The requirement for a mission statement is completely reasonable, and it is widely recommended by museum scholars that every institution have a formal collections management policy. However, the requirement for 100 percent of objects in the collection to be published in a “register” (the bill does not describe this register) is above and beyond current standards of some professional museum associations. By comparison, in order for a museum to meet the eligibility requirements for accreditation through AAM, it must have at least 80 percent of its collection accessioned (AAM, 2004a, p. 1). To have every item in the collection accessioned is of course good practice, but depending on the type of museum and ability of staff, it may not be possible for all museums to meet the 100 percent accession and register requirement.

The bill sets out certain requirements for types of objects institutions are allowed to deaccession. Four of the categories of objects institutions are allowed to deaccession are well-defined: redundant items, objects the institution can no longer care for in terms of preservation or conservation, objects outside the mission of the institution, and objects found to be forgeries (New York State Assembly, 2009, Summary of Provisions section, para. 4). The fifth category of object is much broader and less easily understood: objects where “the deaccessioning of the item refines the collection per its collection management policy” (para. 4) could easily be anything. AAMD *suggests* criteria for deaccessioning, but ultimately places the responsibility for decision-making with directors and boards. This bill creates a limited set of categories for allowable deaccessions, which could create some concerns.



The New York State Board of Regents already oversees disposals of objects from most museums in the state (Rosenbaum, 2009c). The Brodsky Bill directs the Board of Regents “to create a [central] website on which institutions are required to post items they are deaccessioning” (New York State Assembly, 2009, Summary of Provisions section, para. 5). The provision is wise to not require museums to create their own websites to post deaccessions, since creating or modifying museum websites can be cost prohibitive. Not only will the website act as a central site for visitors to access, but it saves individual institutions much time and money.

It is clear that this bill is attempting to make long-standing codes of ethics from professional museum associations into enforceable laws. The clearest correlation from those codes to this bill is in the proposed amendment to New York’s Education Law:

Proceeds from the disposal of an item or items from a museum’s collection may be used for the acquisition of another item or items for the museum’s collection and/or for the preservation, protection or care of an item of items in the collection. In no event, however, shall proceeds derived from the disposal of an item or items from a museum’s collection be used for traditional and customary operating expenses. Nothing in this section shall limit the ability of a collecting institution to set more restrictive policies relating to the use of proceeds from a disposed item. (New York State Assembly, 2009, p. 5)

This language mirrors AAM’s precisely in its limitation of proceeds to acquisitions and care of collections. However, the bill does not go so far as to recommend what procedures museums should implement to initiate deaccessioning decisions. For instance, who among staff or board members should recommend an object for deaccessioning, whether the museum should seek outside opinion or appraisal, or whether donors should be contacted. The bill does, as Brodsky claimed (Cash, 2009), leave questions of process in the hands of each museum. It is important that museums maintain a sense of self-regulation.

Enforcement remains an important question. If a museum sells an object not listed under the bill’s criteria (for instance a work that does not fall outside of the museum’s mission),

Brodsky stated that “the property would be recoverable because the museum didn’t have the authority to sell the work, and the Board of Regents would have the enforcement authority to deal with the people who engaged in that sale” (Cash, 2009, para. 18). Brodsky intends for this statute to act as a template for policy across the nation (para. 22).

### *Conclusion*

The Brodsky Bill (New York State Assembly, 2009) examines possible extra measures, outside of the existence of professional museum association codes of ethics, to assist museums in upholding their duty to the public. I agree with the standpoint that transparency and accountability are in large part dependent on open communication with the public. To this end, posting information on either a museum website or in another central location online puts museum procedures out in the open. It creates a starting point for museum-public dialogue. “Public access to basic information on purchases and sales could serve to deter abuses in the management of museum collections. Public disclosure is desirable because the Attorney General alone does not have the resources to monitor all museum activity” (Wise & Wolff, p. 118). Museum collections management policies should be accessible as well, so the public and the field can understand the processes a museum goes through when considering a deaccession.

The codes discussed in this chapter represent the “best practices” or “professional standards” in the field. It is evident that the government has picked up on these standards and has started to translate them into binding law. Ultimately, the more museums impose self-regulation through codes of ethics, the more the public and legal bodies will challenge the choices being made by demanding that museums behave in a manner that is both transparent and accountable. The next chapter moves into a discussion of how these codes of ethics translate into collections management policies in art museums.

## **Chapter 4: Collections Management Policies and Public Perceptions**

Collections management policies include many, often very detailed, sections covering the care and scope of a museum's collections. Issues such as loans, acquisitions, storage, access, and deaccessioning (among multiple other possible subject areas) are laid out as required practice for staff and board members. This chapter will address collections management policy development and sustainability in museums, as well as the idea of permanency in collections. I will also examine the collections management policies of two major art museums, the Metropolitan Museum of Art and the Indianapolis Museum of Art.

There have been questions raised as to whether it is prudent or possible for the public to take a greater role in deaccessioning, and how that role may be translated into collections management policies and processes. Part of the argument is based on the role of museums in society. Every private not-for-profit museum in the United States has a mission of public service due to their quasi-public status, as hybrids of government and private business (Boyd, 2004). They must operate by standards set in public law, the museum's own bylaws and policies, and the greater museum field. Boyd recognizes a shift in professional and governmental bodies that subjects museums to more rules (ethics and laws) and scrutiny than ever before. In many cases, the public makes realistic demands for transparency in practice that must be addressed by the creation of official collections management policies.

Since the 1970s there has been a struggle within the museum field and among those outside the museum profession to come to terms with the meaning of deaccessioning – this ties in with a greater debate about the purpose of museums to keep tangible objects in perpetuity. To examine an even finer detail, the word “keep” has different connotations. Does it imply a level of preservation and protection? What does that protection look like – does it mean indefinite storage

on a shelf in a locked vault? Does it imply accessibility? Is there display involved, and if so, how often and for what purpose? Is it an inclusive or exclusive term?

Miller (1991) tangles with the idea of permanency in permanent collections and addresses an important idea about deaccessioning – museums rarely do it. Accessioning objects is a regular practice, museums accept gifts, and artwork is purchased with dedicated funds or endowments. Museums are viewed as *actively collecting* institutions. Museums are not, conversely, perceived as actively disposing institutions. Donations and purchases are not generally thought of as temporary. Even with little in the way of steady funding and often less-than-ideal storage facilities, Miller notes that American museums do a good job of serving their collecting and preserving function (p. 245).

Miller (1991) believes the public sees deaccessioning as an irregularity within accepted museum practices, and that museums are not at their best when they come to deal with disposal. Others seem to indicate a desire for dialogue within the museum profession and for educating the public on the practice (Wise & Wolff, 1991). Better habits need to be developed in order to avoid potentially devastating blows to public trust, community identity, and the support of funders. “The high profile of deaccessioning today is additionally unfortunate because most museums do not dispose of items very often....[and therefore,] public perceptions tend to be radical” (Miller, 1991, p. 245).

Miller (1991) succinctly outlines common ideas about deaccessioning, summing up public reaction that generally involves a sense of confusion and betrayal:

- (a) Museums don't care about preservation;
- (b) Museums don't care about people – especially the support loyal individuals give;
- (c) All the collections are for sale;
- (d) Museums are just private art and antique dealers masquerading as public trust organizations, but exploiting the special privileges of this status;
- (e) Personal ego and the balance sheet reign supreme;

- (f) Museums have infinite wisdom and know what they are doing, which means they shouldn't be questioned by the obviously ignorant rabble;
- (g) To heck with other museums, if they want a particular deaccessioned item they can compete in the marketplace with everyone else. (p. 245-246)

### *Collections Management Policy Development*

Given the potentially damaging reactions outlined by Miller (1991), it is important to analyze scholarship guiding or weighing in on collections management policies. There is no one proven formula or method for museums to develop collections management policies. Policy is informed by institutional history, audience, structure of governance, organizational culture, and surrounding community, making each museum's guiding policies unique. Simmons (2006) states that a collections management policy should outline best principles of stewardship in such a way as to make acceptable museum practices clear to all museum staff, authorities, and stakeholders. So, while there exists a body of generally accepted "good practice," there is still a heavy emphasis on museums making independent decisions to best benefit their unique institutions and unique communities. Scholars and professional museum associations recommend different degrees of rigor for museums developing deaccessioning policies and procedures.

Ainslie (1999), Malaro (1994), Merriman (2008), Miller (1991), Simmons (2006), and Weil (2004) all point to deaccessioning as a collections management tool. A notable shift in collecting practices began in the 1960s away from the seemingly directionless acquisition of objects by museums, what amounted in Weil's opinion to blind collecting with no regard for the expense to maintain such wildly disparate collections. Weil also argues that the era of museum directors and curators collecting to achieve personal goals, such as status, is over. More and more, rather than existing as an "ends" by itself, collecting is a tool to serve the public.

Turning to a theoretical perspective informed in part by the post-museum, scholars advocate for periodic, purposive deaccessioning (Ainslie, 1999; Malaro, 1994; Merriman, 2008;

Weil, 2004). The shift from an internal to an external focus demands that museums make best use of their public funding. This includes possibly removing objects from the collections to make the most efficient use of funds the museum spends on the storage of objects. Weil encourages each museum, in light of public service, to consider each object's contribution to the institutional mission.

Malaro (1991) addresses the need for real change across the field in the ways museums relate to the public through policy development. One factor of the public's reaction to deaccessioning is increased media attention, which Malaro contends speaks to personal interest in the activities of museums. The media is one channel through which the public expresses opinion, and evidently shows their desire to have a say in the level of accountability museums owe to the public. Nevertheless, Malaro asserts that museums have an inherent right to deaccession objects, unless those rights have been expressly limited in founding documents. She is doubtful that the government will restrict this right, as government intervention is at odds with the idea of putting cultural development in the hands of the people. To strengthen the practice, ethical codes and collections management policies need to be better developed and better disseminated. Boyd (1999), echoes Malaro by encouraging museums to make better decisions through consultation with the public they serve. Boyd encourages all museums to listen to the public with the purpose of modifying institutional messages and practices, but not in a merely conciliatory fashion. Museums should consult with the public they purport to represent.

Following the same concept of museums making better decisions, Malaro (1994) and Merriman (2008) caution against museums' undisciplined and excessive accumulation of objects. In order to maintain a firm control on excess, collections management policies should not be stagnant documents. Just as permanent collections need occasional pruning, policies need

periodic revision to stay current. Malaro notes that deaccessioning is not unethical or illegal; usually it is the process that causes concern. She advocates for making strong, regularly updated policies based on legal and ethical grounds available to the public, especially for new donors. She outlines an open relationship with the public, in order to protect both sides, and recognizes the power of all stakeholders. There is less fear of scrutiny when a museum has established collections management policies in place.

Simmons (2006) advocates for a deaccessioning process open to the public's scrutiny. Collections management policies should include a communications plan in order to make the process transparent, placing it in "the context of the museum's mission, vision, strategic plan, collections plan, code of ethics, and other policy and planning documents" (p. 53). An important function of a communications plan is to make sure all internal and external stakeholders receive the same messages around the reasoning behind deaccessioning policy and procedures.

#### *Deaccessioning and Sustainability*

Merriman (2008) focuses his advocacy for deaccessioning around sustainability. He discusses museum practices in three different realms – social, economic, and environmental. In the social sense, museums are on a sustainable path when they establish and maintain strong partnerships with key stakeholders. Such a partnership has the potential to ensure political support for the museum, as well as a perception of social value. Both political support and social value can keep a museum viable and relevant to the community. Economic sustainability refers to a museum's "costs in relation to the perceived value of their services" (p. 10). All three areas overlap and influence each other.

"The path towards sustainability has to begin with a fully strategic approach to collections management, which includes programmes of community engagement,

documentation, storage improvement, acquisition and disposal” (Merriman, 2008, p. 11). In order for museum collections to be socially and economically sustainable, they must consider deaccessioning as a vital part of collections management. A major theme is assigning value (more than just monetary value) to all objects and retaining or disposing according to that assessed value; Merriman suggests grading collections for value and acting accordingly. Holding on to objects with no value to the institution threatens social sustainability by wasting public funds for storage costs, thereby mistreating the public trust. The practice of out-of-control acquisition while ineffectively managing existing collections is an unsustainable practice. However, disposals should not be driven by a sense of expediency, they should be guided by principle. Merriman calls for a balance between acquisition and disposal, especially in developing equally rigorous processes for both practices. “It may be helpful...to think of museum collections as ecosystems or habitats, which need managing, developing, sometimes growing and sometimes cutting back to prevent choking” (p. 18).

Along similar lines of social sustainability, keeping deaccessioned works in the public realm is another point of contention. Fincham (2009) believes once a work has entered the public realm, it should remain there. He suggests that museums disposing of works through public sale should consider reserving a window of time within which other museums may respond by raising funds in anticipation of purchasing a work. He recommends a period of up to six months for museums to match any private offer on a work of art (p. 51).

Reticence surrounding disposal from museum collections is a theoretical remnant from the Modern period and related ideas about collecting to establish social and political supremacy. Moving into the post-museum era, collections should focus on use and community connection. Museums need to change their notion of success – specifically, they need to work at changing



accepted ideas of collecting to become more socially sustainable, where museums are judged not for what they *have*, but rather for what they *do* to maintain and grow their relationships with stakeholders.

In light of these recommendations for best practices and procedures, I will analyze the 2008 collections management policy of the Metropolitan Museum of Art (the Metropolitan) and the 2008 deaccession policy of the Indianapolis Museum of Art (IMA). The Metropolitan example will serve to illustrate a standard collections policy document that meets professional and ethical standards. The IMA example shows a different level of commitment to viewing ethical standards as a required minimum.

*The Metropolitan Museum of Art's Collections Management Policy*

“In June 1973, the Board of Trustees approved detailed Procedures for Deaccessioning and Disposing of Works of Art in response to an investigation by the New York Attorney General” following museum director Thomas Hoving’s controversial deaccession and private sale of paintings donated by Adelaide Milton de Groot (Muñoz-Sarmiento, 2008, para. 9). “According to the [Metropolitan’s] Report on Art Transactions 1971-1973, the museum trustees followed a deaccession policy in existence since 1887” (Goldstein, 1997, p. 221). The 1887 policy required an internal hierarchy of recommendation and approval, but did not include a provision for public sale, or notice to the public or attorney general (p. 222). The Metropolitan’s 2008 policy is available on the museum’s website, and shows a departure from the deaccessioning practices followed by the museum up until 1973.

Within the purpose statement of the Metropolitan’s collections management policy, institutional beliefs on the intent of deaccessioning are made very clear:

Acquisition, deaccessioning, and loans of works in the collections are conducted in a manner that conform to the Museum’s mission, complies with applicable law, and reflects the highest

ethical standards; disposals of works from the collection through sale, exchange, or other means is solely for the advancement of the Museum's mission, and proceeds from the sale of such works are used only to purchase other works of art; ...collection-related activities promote the public good rather than individual financial gain. (Metropolitan, 2008, p. 1)

In the section of the collection management policy related solely to deaccessioning, the Metropolitan outlines categories of objects that the museum may consider for deaccession: objects with little relevance to the museum's mission or overall collection; redundant or duplicate objects without research or study value; objects of lesser quality than similar types of objects in the collection; objects lacking aesthetic or art historical value; objects to which the museum is not the rightful owner (i.e. the museum finds it does not have clear title); objects the museum is not able to properly store or preserve (Metropolitan, 2008, p. 10). Forgeries are deaccessioned but retained for study or destruction, unless they can be sold as known forgeries. No matter what the cause for deaccessioning, museum staff, board, volunteer, including any family member of said parties, may not directly or indirectly purchase deaccessioned artworks.

In their policy available online, the Metropolitan does not detail the procedure for authorization or preferred method of disposal for any objects. For some reason, the procedures updated in February 2005 are only available by special request, even though other sections of the policy document outline procedures for acquisitions and loans in greater detail. Nonetheless, the available policy does include an interesting approval level that could halt the deaccession process – “no work of art valued by the Museum at \$50,000 or more will be disposed of within 25 years following its receipt if objected to, after appropriate notice, by the donor's heirs or legal representatives” (2008, p. 11). This restriction applies regardless of whether or not an object came into the museum with donor restrictions on deaccessioning. The procedure outlined for deaccessioning (at least, the procedures available without special request) does not otherwise involve notifying the public.

The Metropolitan's collections management policy, specifically in regard to deaccessioning, is an example of a typical policy document for an art museum. It ensures a level of internal and external accountability, but at least on the surface it does not exemplify the progressive document that scholars of museum ethics and law are hoping to see realized. The fact that the public is excluded from knowledge about the procedure for deaccessioning, at least without special permission, seems to communicate something (intentionally or not) about the museum's attitude toward public involvement with museum administration. Conversely, IMA presents a stronger example of a policy document that involves the public to a greater extent, at least in revealing to the public a detailed process and opportunities for action or for expressing an opinion.

#### *The Indianapolis Museum of Art's Deaccession Policy*

IMA's deaccession policy considers the following types or conditions of objects as eligible for deaccession: objects inconsistent with mission; objects of poor quality or with little potential for research; forgeries or objects with falsified provenance; duplicate or redundant objects; objects too damaged or deteriorated for conservation; objects the museum is no longer able to properly store or care for. It is IMA's *policy* to consider the list of object types or conditions for deaccession. Under a separate *procedure* section, IMA details the process, including: recommendation for deaccession; approval to proceed; review of records; contact with either donor, artist, or heir; outside opinion; appraisal; final review by director; presentation to collections committee; approval by board; disposal; use of proceeds; and final documentation. Within these procedures, IMA displays strong acknowledgement of and adherence to the code of ethics set by the Association of Art Museum Directors (AAMD), especially in disposal and use of proceeds. In relation to disposal, IMA cites AAMD's policy to avoid any means of disposal

that causes a conflict of interest, or the appearance of conflict. Accordingly, museum staff, trustees, and volunteers are not permitted to purchase or otherwise acquire any artwork deaccessioned from IMA. In regard to use of proceeds, IMA conforms to the AAMD code by using “the funds received from all sales of works of art...to purchase...works of art from the same period or culture” (2008, p. 3).

IMA’s deaccession policy is a model for other institutions in its detail, explanation of policy and procedures, availability to the public (via the IMA website), and especially in the section addressing documentation procedures. As noted in the previous chapter dedicated to IMA’s deaccession database, the museum includes a public component to their deaccessioning procedures that speaks to the institution’s transparency and accountability. “The list of deaccessions will be posted on the IMA website after approval by the Board of Governors and funds realized will be updated regularly” (2008, p. 3). It is significant to note that deaccessions are only approved with a two-thirds majority of the board (p. 2).

There is a mix of strong internal and external communications in IMA’s policy. Internally, the approval and research process involves the director, appropriate curator, registrar, director of development, outside expert and appraiser, collections committee, full board, and legal counsel if necessary. External communications involve fewer parties, but show merit for the transparency of the process. Simmons (2006) noted that contacting donors, artists, or heirs when an item is pending deaccession is a purely optional courtesy. IMA will attempt to contact donors, heirs, or artists no matter how long an object has been in the collection, even though “such action shall not be construed as a request for permission to deaccession nor as an attempt to return the object” (2008, p. 2). The process is open to public scrutiny, and is just as rigorous as the acquisition process.

## *Conclusion*

The public is even more sensitive to deaccessioning from art museums' collections now than they were at the beginning of the historical arc of museums in the US. This leveling of power evident in post-museum theory (Hooper-Greenhill, 2000; Weil, 1997) emboldens the idea that the collections held in trust by art museums are “our” collections – that as public, non-profit institutions, in exchange for certain social and tax benefits, “we” have a say in what happens to the objects held within. If Weil’s postulation of the museum’s shift in role from “one of mastery to one of service” (p. 257) is true, then the role of the public in the deaccessioning process must change drastically. As seen in the case of IMA’s online deaccession database, the roles of public and museum are already shifting. IMA brings in public opinion after final decisions have already been made; the next step in the progression could be for committees of individuals (people not related to the museum’s board, and not donors of works) to be involved in the process at its earliest stages. In addition, a concerted effort to discover what kinds of information would be most useful to visitors, what kind of information they come to museum websites to find out, is advisable in order to make online collections more valuable from the public’s perspective. Even taking into consideration the ease with which online visitors can search through museum websites and online collections, what is the ultimate purpose of this transparency?

In the post-museum, where power and sharing of information are ideally equal from museum to public, there exists potential for further controversy. The post-museum model may be only the kindling for an entirely new museum-public relationship. In the meantime, museums can convey and bolster their trustworthy purpose through the development *and dissemination* of sound policy. The next chapter, examining the concept of public trust, builds on the discussion of the museum-public relationship and the increasing need for transparency and accountability.

## Chapter 5: Public Trust

### *Defining “Public Trust”*

Serving the public’s best interest is a core purpose for art museums in the United States. The idea of establishing and maintaining the public’s trust is foundational to museum codes of ethics and collections management policies. This chapter explores the shifts in museum theory related to power structures, or the public’s relationship with a museum. I use the idea of power dynamics to further examine the established standards for accountability and accessibility. Who has the privilege of accessing information on museum collections? What tools do museums provide to the public in order to facilitate access? Public trust has many complex factors and shapes perceptions, both internal and external, about deaccessioning.

For the purposes of this chapter, the term “public trust” is not used in the same sense as the term “trustee,” rather it is thought of as the public’s confidence or faith in a museum. The status of that trust, which allows museums to take on a position of authority or at least legitimacy, is difficult to establish and easy to lose (Enseki, 2006; Lowry, 2004; Weil, 1997; Wood, 2004). Lowry defines “public trust” as:

A multivalent term that implies both a set of responsibilities – to preserve, protect, and enhance property held on behalf of the public – and a code of conduct to ensure that this responsibility is discharged with the highest degree of skill and diligence. As public institutions, museums are expected to act and behave in a way that is in keeping with the perceived values they embody. (p. 134)

### *Museum-Public Power Dynamics*

Weil (1997) contends that the model for the museum is changing rapidly. Museums have shifted from acting as centers for teaching the public certain sets of values (tools of government and social regulation), to centers for engaging with the community and reflecting existing values of the community. The 200-year-old foundations for the art museum as an intimidating structure

used to justify rule or domination are no longer valid. A role reversal is taking place in which the prior dichotomy of power is now more level, if not tipped in favor of the public. This is true especially now, when museums depend so heavily on the public for funding. Weil cites the public's lack of trust in institutions, and a shift away from collections to public programming, as reasons why museums of all types must focus on collaboration instead of ultimate authority. With such a change in power, the idea of trust and necessity of flexibility and transparency on the part of museum administration is highlighted.

McClellan (2003) and Marstine (2006) also analyze the trajectory of art museums' interaction with the public, connecting contemporary practices in American art museums with foundations in the Victorian era. They both make a strong point that there is no one homogeneous "public" for museums to serve, therefore the missions of art museums are at odds with their actual practices. "As mission statements reveal, [museums] aspire to unify their 'publics,' rather than to acknowledge multiple and shifting identities. They project an image of an ideal visitor to which the viewer is supposed to conform" (Marstine, 2006, p. 26). Both authors argue that museums still primarily serve a select group of well educated, and well-off visitors. The question of appropriate interaction between collections and visitors, and the museum and its visitors, remains an unresolved issue. McClellan questions the post-museum standpoint of shared authority. While museum administration professes to serve the public, many are still rooted in the Foucauldian notion of allowing "them" (the broad public) to access "our" (elitist) culture. He points out the failings of museums in order to call for reform in practice. There is a disconnection between common museum missions of providing access to collections, and at the same time protecting collections.

Hoffman (2006) presents an important examination of conflict of interest in the art world and certain deaccessioning practices. Conflicts of interest and ethical violations skew the perceived power relationship between the museum and public. When museums engage in duplicity or activities in which there is a clear conflict of interests, the balance of power in the post-museum is put in danger. Although certain actions may not be illegal, they are ultimately not in the best interest of the museum's reputation. It addresses ideas of power, in a social sense as well as a legal sense. There are mechanisms in place to make sure museums do not violate the public's trust (and "public trust" in the sense that museums are controlled by nonprofit law), both ethical and legal.

#### *Public Trust and Access to Collections*

Accountability relates directly to accessibility. In this context, I am referring to accessibility as free and meaningful access to information about collections and museum policies. Simmons (2006) emphasizes that at a basic level of serving the public and in order to act in an accountable and transparent manner, "a museum must give the public reasonable access to the collections and their association records" (p. 111). Russo, Watkins, Kelly, and Chan (2006), and Donovan (1997) express ideas about the post-museum and its involvement with the public at administrative and interpretive levels. Collaboration among many sets of stakeholders is a strong theme within post-museum theoretical discussions. The idea of technology as a means to share information and authority is contentious. Some authors advocate for online collections as a great tool, while others argue it unnecessarily complicates processes and does not actually serve the public. In the post-museum, where power and sharing of information are ideally equal between museum and public, there exists potential for further controversy.



Russo, et al (2006), advocate for museums to work in partnership with their audience to build and extend knowledge around collections, primarily through online social media. A key part of the successful implementation of social media to gather information from visitors and to engage them in conversation is the development of a clear intention for that means of engagement. Without clear intent and the framework to support it, the authors contend that the use of social media for museums will quickly disappear as a passing trend, or simply do nothing to contribute to the mission of the museum. Marstine (2006) agrees with a skeptical viewpoint, “new technologies, rather than creating a truly interactive experience, merely distract the visitor from asking larger questions about the museum’s authority and authenticity” (p. 26). Russo, et al. question whether the contemporary museum will be willing to give up a great portion of their authority to visitors. However, they do believe that the use of social media not only has the potential to democratize collections, but also to allow museum professionals to share their technical expertise with the community.

Russo, et al. (2006) seems to be speaking from a post-museum theoretical perspective. Like Hooper-Greenhill (2000) and Weil (1997), they explore the idea of meaning making as an equally weighted partnership between the visitor and the museum. The post-museum moves away from the old model of one-to-one or one-to-many communication, wherein the notion of authority and authenticity of information is completely embodied in the museum. By moving toward a many-to-many model of communication through a social media platform, dialogue and community building can take place. Although Russo, et al. discussed the use of social media in the post-museum in a very broad sense, it applies ideas about the use of blogs or online databases to make collections management practices transparent. They provide an effective starting point

to make arguments about whether social media is an authentic way to generate two-way communication.

Conversely, Donovan (1997) questions the ability of museums to truly meet the needs of the public via online access to collections. He asserts that merely making information available to visitors does not constitute meeting the mission, educational or otherwise, of the institution. He states that museums add value to objects on display through interpretation and providing context for the visitor. A problem exists in the online environment in how to ensure the same sense of value remains intact, considering the object may be viewed out of the context of a larger exhibit or without any interpretive text. Collections databases used internally are generally intuitive only to museum staff and contain too much jargon and confusing categorization to be useful to outside users and should not be transcribed directly to an online environment.

Donovan's (1997) theoretical standpoint is in line with many espousing constructivist theories of museum education. His argument is compelling for the two-way nature of true communication between the museum and its public. Donovan calls for a different type of data presented alongside objects online, namely stories or provenance. He contends that stories resonate with visitors far more than bare facts like medium, date, and dimensions. Enriched content, created for exhibits but rarely stored alongside objects in databases, should be pushed ahead of basic object information so visitors can create their own understanding.

Museums, as well as the Internet, have made great technological advances since the late 1990s, but Donovan's (1997) overall theme is still very relevant. His argument questions and explores the purpose of making collections data accessible to the public. It takes a tremendous amount of time to develop websites and add pertinent data online. What is the point of digital access to collections from an ethical or transparent standpoint? At what point is object data

useful or relevant? Placing object data online without enriched content presents little of use to the average visitor.

Access is feasible in many different ways; online access is just one suggestion of many, such as physical access to objects, visible storage, or access to paper or electronic records inside the museum building. Individual museums will have different policies on what kind of information is restricted due to sensitivity of information, such as donor information and appraisals (Simmons, 2006). According to Simmons, it is not always easy for museums to balance conflicting responsibilities:

Access to some museum records – for example, those concerning donations or valuations of objects – can raise privacy concerns. As nonprofit institutions, museums are committed to transparency and accountability. But they also must balance the public’s right of access with a donor’s privacy rights. (p. 113)

#### *Perceived Value of Transfer Instead of Sale*

What does all of this have to do with deaccessioning? There are many ways to go about informing and possibly involving the public during the deaccessioning process. Some collections management policies require notification of donors or their heirs, and some policies require posting of information about deaccessioned objects on a website or in the museum’s annual report. Miller (1991) suggests a different best practice for upholding the public’s trust when deaccessioning. He believes that the best way for museums to maintain the public’s trust when deaccessioning objects is to make every effort to keep those objects in the public domain. “Deaccessioning grossly undermines an important and essential reality of museum acquisition efforts, and it is incumbent upon institutions to respect the public’s trust when disposing of collections” (p. 247).

An object can stay in the public domain if it is transferred via sale or exchange to another museum. Miller states that transfer is the most “successful” means of disposal following a

deaccession. Transfer preserves objects for the public on several levels. The physical security of the object is maintained and any information compiled about the object is transferred to the receiving institution. Miller's primary concern is that objects may "disappear" once they are sold from museum care into private hands. With object transfers, "collections can be deaccessioned *and saved*" (p. 251). It preserves museum reputation, demonstrates a museum's capability of properly caring for objects (or seeing to it that they are cared for by another institution), and by showing respect for the public's trust.

### *Fiscal Responsibility*

Just as public trust is connected with access to information, it is also connected strongly to the use of money from donations or public funding through government grants. Public trust is inseparable from the tax benefits museums gain from their 501(c)(3) status. This status elevates the fiduciary duty owed to the public. In light of this monetary connection, Weil (2004) analyzes and breaks down the true cost of maintaining collections that are not serving the mission of a museum. These costs include "accessioning, cataloguing, periodic inventory, maintaining accessible records, environmental and pest control, storage hardware, security, conservation, insurance, and general overhead including management and building expense" (Hartman, 1983, as cited in Weil, 2004, p. 285). His argument helps to justify deaccessioning from a budgetary perspective. It is important to keep in mind the amount of money a museum spends on maintaining the collection. In the practice of upholding the public's trust – museums need to make the best use of funds donated from the public by caring for the collections they have, disposing of objects outside of their mission, and becoming much more selective in acquisitioning new objects.

## *Conclusion*

Just like the heterogeneous nature of the ever-shifting public that museums serve, public trust is not a static concept. The public will have a variety of needs and make changes in their perceptions of museums. Changes in perception will lead to the need for museums to address changing demands. As Lowry (2004) states, “the concept of public trust must be seen as negotiable and responsive to evolving expectations and conditions” (p. 135). Just as there is no one template for collections management policies, individual museums must work out the best means of access for their unique community of stakeholders. The concepts covered in this chapter, power-sharing and collaboration, access to information (online or otherwise), the perceived value of transfers over sale of deaccessioned objects, and fiscal responsibility, are all factors of public trust. These factors present museums with a precarious but necessary balance – Lowry articulates the issue well, “the issue of public trust for art museums...can be seen as a question of responsibility, of balancing public expectation with institutional needs” (p. 145). This requires museums to demonstrate flexibility, communication, and as always, transparency of process.

The following two chapters bridge the theory I have laid out up to this point with contemporary practice in two American art museums. In the first example, at Brandeis University’s Rose Art Museum, I examine what has come to be seen as a case of poor communication and betrayal of public trust. Conversely, the second example at the Indianapolis Museum of Art illustrates what transparency, accountability, and a positive relationship with the public can look like.

## **Chapter 6: Recent Issues in Deaccessioning – The Rose Art Museum at Brandeis University**

### *Introduction to the Controversy*

This exploration of a recent controversial event at Brandeis University's Rose Art Museum (the Rose) attempts to set out in understandable terms what happens when a museum deaccessions work from their permanent collections. Specifically, what reactions come from the vantage point of the public, museum professionals, and professional museum associations via media outlets – whether radio, newspaper, blogs, or other websites. Brandeis University engaged in an act that was not in any regard transparent to the public; at the time of writing, the event and its repercussions are unfolding, under scrutiny by the public worldwide, and by legal bodies in Massachusetts.

A January 26, 2009 press release from Brandeis University announced the impending closure of the Rose:

Brandeis University's Board of Trustees today voted unanimously to close the Rose Art Museum as part of a campus-wide effort to preserve the university's educational mission in the face of the historic economic recession and financial crisis. Board members stressed that the museum decision will not alter the university's commitment to the arts and the teaching of the arts. (Rosenbaum, 2009b, para. 4)

The press release detailed Brandeis President Jehuda Reinharz's plans to transition the space into a fine arts teaching center and gallery for faculty and students; the former Rose building would no longer function as a public museum. In regard to the Rose's significant collection of modern and contemporary art, Reinharz discussed plans for a public auction through a major auction house, initially scheduled to begin the summer of 2009. Proceeds from the deaccession would go directly toward improving the financial condition of the university. In offering further justification of the museum's closure, Reinharz claimed he had no choice but to close the museum in the face of low attendance, and inability to exhibit more works from the permanent

collection. According to an interview on National Public Radio (2009), Reinharz described the school's financial troubles as emanating from losses to the endowment, a 25-percent drop that the administration does not expect to see recovered for five to six years (para. 7-8). The Board of Trustees included several other cost-cutting measures in their announcement, but the fate of the Rose absorbed the majority of attention from the press, blogosphere, and general public.

In a *Boston Globe* article on the announcement, Rose director Michael Rush estimated the value of the collection, which was analyzed by Christie's auction house at Rush's request several years ago, to exceed \$350 million (Edgers, 2009a, para. 3). Immediate reception to the news of the Rose's closure came as a shock to journalists and professional museum associations alike. "There is no precedent for selling an art collection of the Rose's stature" (Edgers & Schworm, 2009, para. 10). In an article posted on the Rose's website, Brandeis alumni currently working in the museum field also responded to the announcement, declaring the museum's importance to their education. They felt the action was in direct opposition to the mission of the university, which attests to "the advancement of the humanities, arts and social, natural and physical sciences" (Rorschach, Tinterow, & Weinberg, n.d., para. 1).

### *History of the Rose Art Museum*

The history of the Rose's founding collection dates back nearly to the opening of Brandeis University, a Waltham, Massachusetts university founded in 1948. Brandeis President Abram Sachar accepted donations of more than 300 paintings, contributing to his "dream for a Jewish sponsored museum in the best tradition of Jewish scholarship and discipline" (Rose, 2010a, para. 2). A 1961 gift by Edward and Bertha Rose made the museum possible. On the Rose's website, they claim the status of "the leading collecting museum of modern and contemporary art in the region" (para. 1). The museum has more than 7,500 works in its

collection, representing all media (Brandeis University, 2009, p. 10). The following is the Rose's mission statement:

Founded in 1961, The Rose Art Museum of Brandeis University is an educational and cultural institution dedicated to collecting, preserving and exhibiting the finest of modern and contemporary art. The programs of the Rose adhere to the overall mission of the University, embracing its values of academic excellence, social justice, and freedom of expression.

An active participant in the academic, cultural, and social life of Brandeis, the Rose seeks to stimulate public awareness and disseminate knowledge of modern and contemporary art to enrich educational, cultural, and artistic communities regionally, nationally, and internationally. The Rose affirms the principle that knowledge of the past informs an understanding of the present and provides the critical foundation for shaping the future. It promotes learning and understanding of the evolving meanings, ideas, and forms of visual art relevant to contemporary society. (Rose, 2010b, para. 1-2)

The Rose's collection has roots in several very generous contributions of art as well as endowments and acquisition funds. To mention only a few of the major donations, from 1962 to 1963, Leon Mnuchin and Harriet Gevirtz-Mnuchin funded a contemporary art collection with a donation of \$50,000. According to the Rose website, the Gevirtz-Mnuchin collection is currently "worth in excess of \$200,000,000" (2010a, para. 8). Over the course of the museum's history, its directors have all avidly pursued the building of the modern and contemporary art collection. The Rose Purchase Fund came about in 1981 from the estate of Edward and Bertha Rose, the museum's first endowment fund. Additionally, the "multi-million dollar Sara and Mortimer P. Hayes Acquisition Fund, created in 2001, enabled the Rose to actively purchase significant art on a yearly basis" (para. 20).

The Rose's *History* regards the museum as consistently on the leading edge of advances into new areas of collecting. For instance, in 1970 the museum hosted "the first exhibition of video art in a United States museum (Rose, 2010a, para. 21). Related to that exhibit, in the late 1990s the museum made a strategic move to begin collecting video art and photography, "a plan to maximize acquisition funds" (para. 21).



The museum is not unfamiliar with deaccessioning artwork to build the collection. The director succeeding Hunter, William Seitz, exchanged a 1962 work by Andy Warhol entitled *Do It Yourself Sailboat*, in favor of another Warhol work, *Saturday Disaster*, created in 1964 (Rose, 2010a, para. 8). In a much more aggressive move, the Collections Committee of Rose's board completed "a painstaking process of selected deaccessioning of works from the collection that do not comply with our mission devoted to modern and contemporary art, [through which] the Rose has more than doubled its acquisition endowments" (para. 23). (The date of this particular deaccessioning process was not indicated.) In 2001, the Rose deaccessioned a collection of porcelain and ceramics donated by Bertha Rose. The deaccession took place "long after Edward and Bertha Rose passed away, and after consultation with members of the Rose family, none of whom raised any objections. Funds from this deaccession were added to the acquisition fund" (Brandeis University, 2009, p. 10).

From the way in which the Rose describes its own history, the museum appears confident in its donor-relations, "the history of the Rose is the history of generosity of donors" (Rose, 2010a, para. 21). There is also a confidence evident in the strength of the collections, keeping to the spirit of the mission, and of making financially intelligent decisions. Overall, the Rose appears to be a responsible institution, following accepted collections management practices, especially in regard to adhering to an ethically sound procedure for deaccessioning works of art.

### *Main Issues*

There are several issues with Brandeis's decision to close the Rose and deaccession the collection, all of which present complications in the adherence to, and interpretation of, professional codes of ethics. The deaccessioning of the Rose's collection presents complicated legal issues as well. As Fincham (2009) notes, deaccessioning is governed by a "curious mixture

of trust and estates law, state law, tax policy, nonprofit governance and professional guidelines [combining] to form a set of rules which lack clarity and often conflict” (p. 1). There is a general consensus that the act of deaccessioning should be a last resort after considering all alternatives, and consulting with a variety of invested parties. The Board of Trustees decision did not include Brandeis faculty, and despite claims of unanimity across the campus, the Rose’s director and staff state the Board neither consulted nor informed them of the impending decision until immediately prior to the distribution of the press release (Kennedy & Vogel, 2009; Smith, 2009). The decision did not involve forewarning donors either. Giuliano (2009) noted that the collection is significant as a historical accumulation of donations, “the tragedy of selling off the Rose Collection is that once it is dispersed it [loses] critical mass and historical context.... Significantly, 80% of the works in the collection were donated” (para. 21-22).

Smith (2009) makes an important point, a technicality that may or may not get Brandeis around a portion of the deaccession debate. If Brandeis decides to sell only a few pieces of art to make up for the decline in value of the school’s endowment, they violate the codes of ethics of every professional museum association with which the Rose has membership (see Stakeholders section, below). However, if the school liquidates the museum’s collection and converts the building into a space that is not a public museum, there is no museum left to reprimand.

What better way to avoid the messy legalities of deaccessioning artworks, with the attendant denunciations from [AAMD] and other professional organizations that monitor and weigh in on sales of individual works of art?... If there is no museum, there are no guidelines to violate. (para. 15)

The closure of the Rose is not a deaccessioning in the traditional sense of the term. Brandeis and the Rose are currently in a precarious position. Before Reinharz stepped down as President, he apologized for the way he handled the initial announcement of the Rose’s closure:

The statements gave the misleading impression that we were selling the entire collection immediately, which is not true. The University may have the option, subject to applicable legal requirements and procedures, to sell some artworks if necessary, but I assure you that other options will be considered. (Edgers, 2009b, para. 2)

Despite Reinharz's backtracking it stands that the museum's collection, as well as the museum itself, is threatened as the result of a series of decisions that did not involve the museum's stakeholders, violates codes of ethics to which the Rose has otherwise abided, and breaches the trust of the public and especially donors. As of this writing, the Rose is open to the public while university-level decisions and a lawsuit brought by donors are pending (further details below).

#### *Stakeholders – Reactions and Reprimands*

In the case of this controversy, members of the general public, especially those with a background in museum work and art law, have responded most vehemently. Bloggers, especially, initiated conversations about the ramifications of Brandeis's actions, implications for either upholding or modifying current ethical standards for deaccessioning practices, and particularly for allowable use of funds realized from deaccessions. As the case is still pending at this time, this conversation continues to develop on a daily basis. AAM president Bell stated, "there has been a very strong public reaction. It doesn't look good in the court of public opinion" (Marcus, 2009, para. 25).

The second most vocal group of stakeholders in the proposed closure of the Rose is comprised of professional museum and art associations. Several professional associations responded to the controversy through an official statement, including the American Association of Museums (AAM), Association of Art Museum Directors (AAMD), College Art Association (CAA), Association of College and University Museums and Galleries (ACUMG), and the New England Museum Association (NEMA). All five of these associations responded immediately to

the news that Brandeis intended to close the Rose and sell the museum's extensive modern and contemporary art collection.

The AAM's brief statement on the Rose's closure outlined the museum's responsibility to the public and to donors. "Museums hold collections in the public trust. These collections are a part of our common heritage and belong, in a moral sense, to all of us. It is the museum's job to preserve them for future generations" (Bell, 2009, para. 2). Bell states that Brandeis intends to act in direct violation of AAM ethics, and betrays the trust of donors. As of January 2010, the Rose is included on AAM's online member museum directory, but not listed as an accredited museum (AAM, 2010). Ultimately, AAM's statement concludes that Brandeis should act in the most responsible manner possible, assuming there is no alternative to permanently or temporarily closing the Rose. If the problem lies in the expense of maintenance and exhibition of the collection, Bell (2009) suggests Brandeis transfer the collection to another, more capable, steward. "In choosing an alternate solution to the sale and irrevocable loss of the collection that was entrusted to its care, the university would serve as a role model for its students, faculty, and community" (para. 4).

AAMD released a similar, very brief statement to media outlets, just before the association's mid-winter meeting. In it, AAMD expressed they felt "shocked and dismayed to learn of Brandeis University's plans to close the Rose Art Museum and sell its collection" (ARTINFO, 2009, para. 2). The statement indicated that members would discuss Brandeis's actions, but offered no further critique other than calling the proposed action "regrettable" (para. 2). In the press release following the mid-winter meeting, "AAMD expressed its strong objection to [Brandeis's plan], and offered its support to the University in exploring alternatives to this drastic act" (AAMD, 2009, para. 5).

The CAA draws on the AAM's and AAMD's codes of ethics in their statement, released January 29, 2009. In their statement, CAA encourages the Brandeis Board of Trustees to reconsider their decision to deprive students, faculty, and the public of the Rose. In their words, "perceiving an entire art collection as a disposable financial asset and then dismantling that collection wholesale to cover other university expenses is deeply troubling for all college and university collections" (para. 2). CAA accuses Brandeis of acting "in violation of professional museum standards and of academic transparency and due process" (para. 4). According to the CAA's own set of standards and guidelines on the sale and exchange of works of art, adopted in 1973 and reaffirmed in 1991, "works of art should be considered for sale or exchange only for the purpose of expanding or increasing the importance of the collection, not for operating expenses or building funds" (2010, para. 7). The statement on sales and exchanges is very similar to AAM's and AAMD's codes of ethics, including the ideas that exchanges between public institutions are more desirable than sales, the process of deaccessioning should be more rigorous than the acquisition process, and information about recent sales or exchanges of art should be made public on a regular basis.

The ACUMG, of which the Rose is a current member (ACUMG, 2010), released a similar statement. Rather than focusing on ethical deaccessioning decisions, or referring to other professional museum associations, the ACUMG takes the stance that the actions of the Brandeis Board of Trustees betrayed the public's trust.

From a developmental perspective – so critical to private as well as public institutions – the message sent by the Trustees is that if you donate to Brandeis, don't expect your donation to be respected. Selling the art collection that so many individuals donated or helped fund is a betrayal of trust that will, in our opinion, not only shrink the pool of arts related donors, but all donors to Brandeis. (para. 2)

The ACUMG expresses concern not only for the public's inability to continue accessing and learning from the Rose's collections, thereby diminishing educational opportunities that result from contact with original works of art (as opposed to reproductions), but also the precedent this incident sets for other college and university art museums. The press release calls for the Board of Trustees to reverse their decision, and to consider preparing in advance for emergencies by involving an array of stakeholders, "including trustees, administrators, athletic program leaders, faculty, alumni/e, and students" (2009, para. 4) in order to avoid similar acts of "outrageous secretiveness" (para. 4) in the future. In a statement at another source, ACUMG emphasized that this controversy has culminated from years of universities considering the collections of campus museums as liquid assets in order to quickly address financial difficulties in which the museums played no part (Rosenbaum, 2009a).

The Rose is also a member of NEMA (Viens, 2009, para. 2), and as such the Executive Director of NEMA wrote a letter to Massachusetts's Attorney General appealing for her intervention in the closure of the museum. According to Viens, "if allowed to proceed, they set a precedent that the trustees of other not-for-profit organizations may willfully abrogate their mission of service to the public" (para. 2). Viens, too, referred to a generally recognized and accepted set of ethics for museums in the United States regarding the sale of art or artifacts:

In further support of museums' mission to serve the public, our professional ethics state that the proceeds gained from the sale of any art or artifact from a museum collection may only be used for the direct care of the collection or the acquisition of additional art or artifacts to assist the museum in fulfilling its educational mission. (para. 5)

Viens (2009), elaborates on the museum's and the university's obligation, as not-for-profit institutions, to act in the best interest of the public. There are moral obligations to uphold in regard to donors, who contributed works or funds with the intention of a certain permanency of care and to make such works of art accessible to the public. The letter suggests an alternative to

the sale of the Rose's collections. "The university should be prepared to transfer the collection, through one means or another, to other public institutions, rather than treating the collection as a monetary asset" (para. 6). The proposed actions of Brandeis, in NEMA's opinion, violate the public mission of the Rose and professional standards for museums.

One group of stakeholders has taken up a legal action against Brandeis. On July 27, 2009, Rose overseers Jonathan Lee, Meryl Rose, and Lois Foster filed a suit seeking to "maintain the Rose collection by stating that the University's decision...would violate museum ethical codes...[and also] violates its commitment to the Rose family to maintain the museum solely as a public institution" (Abramson, 2009, para. 4). But, in a similar suit brought against Randolph College in 2008, the defendant successfully argued that works of art are considered unrestricted assets, unless the donor specifically stated in writing (at the time the gift was made) that the museum could not sell the donated work (Marcus, 2009).

According to Kennedy and Vogel (2009), the state attorney general has authority over nonprofit institutions and can approve, restrict, or stop certain actions. Furthermore, the attorney general will "review wills and agreements made between the museum and the estates of donors to determine if selling artworks violated the terms of donations" (para. 10). The plaintiffs in the Rose case wish to save the museum, keeping it open to the public with its full collection intact. Brandeis made a motion at the October 13, 2009 hearing to dismiss the case entirely, but the judge allowed the lawsuit to continue, with some changes. While the plaintiffs intended to make a breach of trust argument on behalf of all donors who had made gifts to the museum with written restrictions, the judge will only consider gifts made by the three plaintiffs. The judge indicated that the plaintiffs' "gifts to the Rose should be returned to them under theories known

as equitable reversion and fraud” (Abramson, 2009, para. 2). The upcoming trial will take place on December 12<sup>th</sup> and 13<sup>th</sup>, 2010 (Wittenberg, 2010).

### *Conclusion*

University administration has imposed this decision upon the Rose, its staff, board, donors, and members. Final decisions are moving ahead slowly. “Brandeis told a judge it would keep the Rose open, at least until the litigation was resolved.... [And] to assuage the relentless public criticism, put the permanent collection on view” (Marcus, 2009, para. 15). At the hearing, Brandeis agreed to refrain from auctioning off any donated artwork from the three plaintiffs (The Boston Globe, 2009). In addition to this concession, “Brandeis also agreed to give the attorney general a 30-day notice and an opportunity for review if it decides to sell any artwork donated by others” (para. 1).

A significant factor of this controversy, and of many similar instances of deaccessioning in art museums across the United States, is the weight of criticism from the public and professional associations. The newspaper articles, blog entries, and official statements from professional museum associations discussed in this chapter have common themes of betrayal of trust, pleas for reprimand, and concern about setting precedent for other art. The selection of this particular incident was purposive in order to illuminate repercussions felt by the “offending” institution. Although this case of deaccessioning could not be considered a typical model for a museum, it serves to show the public backlash suffered by institutions that choose to ignore the importance of transparency and accountability in the deaccessioning process. The next example, from the Indianapolis Museum of Art, illustrates the polar opposite of the situation at the Rose.



## **Chapter 7: Recent Issues in Deaccessioning – The Indianapolis Museum of Art’s Online**

### **Deaccession Database**

#### *Introduction to the Indianapolis Museum of Art*

This portion of my study of art museums and collection management practices explores the use of an online deaccession database created by the Indianapolis Museum of Art (IMA). The database and the associated introductory information on their website was created in order to inform the public about art objects leaving the care of the museum. The term “transparency” as applied to a museum’s behavior has implications of openness and accountability, and a high level of communication. IMA seems to be using their website and deaccession database to actively communicate with and make information available to the public, this brief chapter will explore that communication mechanism.

It is important to reiterate my bias coming into this examination. I think of deaccessioning as a controversial act. However, I also believe that the expectation for museums to hold all items accessioned into the collection in perpetuity, thereby acting as a community attic, is not necessarily in the best interest of the museum or the public. Approached with caution and care, deaccessioning *can* be healthy for a museum; it has the potential benefit of refocusing an institution’s mission and strengthening the collection. I believe the media tends to portray deaccessioning as an act done in secret by the director or board of a museum, quietly selling or auctioning off an undesired or very valuable piece of art so the museum can fund an activity unrelated to the collection, such as fixing the roof or paying debts. “Raiding the collection” is a common disparaging term applied to the practice. Done properly, transparently, I think of it as growth.

*History of the IMA and the Museum's Online Deaccession Database*

The Art Association of Indianapolis was founded in 1883 by “well-known suffragette May Wright Sewell, her husband Theodore and a small group of art-minded citizens” (IMA, 2010b, para. 2). The association’s first exhibit took place on November 7, 1883 – “an exhibition of 453 works by 137 artists...at the English Hotel on the downtown Indianapolis Circle” (para. 2). In 1895 the association received a \$225,000 bequest from the estate of John Herron to build an art gallery and school (IMA, 2010c). The association opened the doors of the gallery and school in 1906. In 1969 they changed the name to the Indianapolis Museum of Art, and moved to their present location in 1970. Since their relocation, IMA has “evolved into the fifth largest general art museum in the country” (2010b, para. 2).

A series of major donations over the course of 125 years established the IMA’s permanent collection. The more than 50,000 works in IMA’s permanent collection consist of African art, American and European painting and sculpture to 1945, Ancient art of the Americas and the Mediterranean, architectural sites, Asian art, contemporary art, design arts, Native American art, Oceanic art, and textile and fashion arts. The museum’s collection of prints, drawings and photographs comprise more than 26,000 of the works (IMA, 2010a).

On March 16, 2009 the Indianapolis Museum of Art launched a new addition to their extensive, and very interactive, website – a database of objects deaccessioned from the collection.

‘In light of the recent economic downturn and the resulting financial strain experienced by museums, the topic of deaccessioning has become a front-burner issue, making institutional transparency more vital than ever,’ said Maxwell Anderson, The Melvin & Bren Simon Director and CEO of the IMA. ‘This searchable database will evolve to include information regarding how the IMA uses funds from deaccessioned works to enhance and shape the Museum collection.’ (IMA, 2009b, para. 4).

The site launched in 2009, but IMA had been in the process of evaluating and deaccessioning objects for the past two years.

[The museum] has embarked on a systematic evaluation of its collection since 2007 to identify candidates for deaccessioning (e.g. sale, transfer, or exchange). All objects proposed for deaccessioning are subject to the criteria and procedures outlined in the IMA's Deaccession Policy. Since 2007, the furniture, antiquities, textiles, American painting, European painting and contemporary collections have been reviewed and assessed. (IMA, 2009a, para. 1)

IMA maintains an admirable attitude about works of art that have left the museum, or are destined to leave. The works are leaving the institution, but not secretly. The items listed in the database include all pertinent object information, such as artist, materials, credit line, as well as a brief reason for deaccessioning, the method of transfer (such as the name of the auction house and upcoming auction date), and the estimated value of the object. Some of the objects have links to newly acquired works of art, showing the direct link between the sale of a deaccessioned item and the object the funds from the sale helped to purchase. The IMA's use of funds from these sales is within the clearly defined limitations of the codes of ethics from the American Association of Museums (2000), and the Association of Art Museum Directors (2001a). IMA is a member of both professional associations (AAM, 2009b; AAMD, n.d.).

IMA's deaccessioning program is intended to "harness technology as a means of promoting museum transparency" (IMA, 2009b, p.1). The initiative clearly expresses the museum's desire to adhere to AAMD's (2001a) code of ethics. The museum's press release announcing the launch of the website outlined the fundamental principles from the AAMD code upon which the online initiative is based, and strives to demonstrate:

- The decision to deaccession is made solely to improve the quality, scope and appropriateness of the collection, and to support the mission and long-term goals of the museum;

- Proceeds from a deaccessioned work are used only to acquire other works of art—the proceeds are never used as operating funds, to build a general endowment or for any other expenses. (IMA, 2009b, p. 1)

### *Public Reception of the Database*

Immediate reactions from art and culture blogs varied greatly. Rosenbaum's (2009d) blog entry suggested an attitude of outright elation, "I can't believe I'm seeing this. Have I just died and gone to Deaccession Heaven? No, I haven't myself been deaccessioned (yet) and the Indianapolis Museum of Art's newly launched searchable database of deaccessioned artworks truly does exist in real cyberspace" (para. 1-2). Rosenbaum went on to assert, "This should become the Association of Art Museum Directors' new gold standard for deaccession transparency" (para. 11).

Another positive reaction came from Green (2009), "if you are an art museum, you should copy this right now. If you're AAMD, you should mandate that all member museums do this by the end of 2009" (para. 6). Green was impressed by the museum's use of the database as a tool to increase museum-public transparency. "This web-feature isn't a nice thing. For art museums that deaccession -- or might -- it should be an imperative thing" (para. 9). He viewed the database as a means through which IMA can clearly associate deaccessioning with refining and building a collection. However, not all bloggers reacted positively. Zaretsky (2009) was not nearly so enthusiastic or supportive, decrying the database as the museum's very public betrayal of trust. "The Indianapolis Museum of Art has put up a searchable database of all the works it held 'in trust' for the public . . . *until it decided to sell them*" (emphasis in original, para. 1).

### *Main Issues*

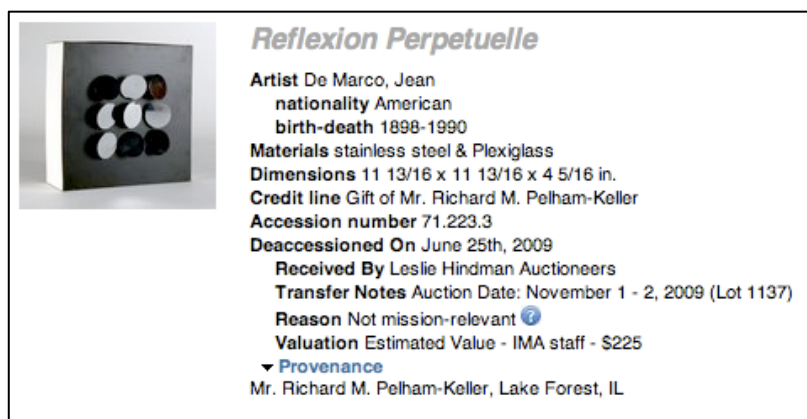
I understand the term "issues" in this case study to have two different meanings. First, the issues this use of media presents to the public. And secondly, the issues or problems arising from

the design of the site. Issues of public trust immediately come to mind. I have already given a brief sketch of what deaccessioning means to Americans. IMA is opening itself up to criticism by making this information public. This database seems to be something the public has been demanding, but now that the information is accessible, the controversy is only heightened. It is tough information to handle. Many questions resulting from the plethora of information made available do not have immediately apparent answers. Database visitors have the opportunity to leave comments on items up for deaccession, but to date I have not seen any comments posted. Additionally, if a visitor did leave a comment, what would happen? Would the object be taken out of the auction catalog? IMA created an online environment of transparency, but how does this address all stakeholders? What about people without internet access, is there an accessible publication with the same data in the physical museum? Or, at an even more basic level, does the use of terms like “accession” and “deaccession” prevent the public from fully understanding the information being presented? If a visitor is unfamiliar with the term “deaccession,” it is unlikely they would find the page at all.

A further barrier to access has to do with the site’s design, the text on the main database page is incredibly small, and objects thumbnails are only viewable in groups of 10. As of April 2010, there are 72 pages totaling about 718 objects. Scrolling through the tiny pages is tedious; something larger and more legible would be better. On the positive side, most entries give a wealth of information: photo, title, collection category, artist/nationality/birth-death, culture or people, creation date, materials, dimensions, credit line, accession number, deaccessioned on, received by, transfer notes, reason (for deaccession), valuation, provenance, and gallery label (see Figure 7.2). Visitors to the database can also “tag” objects with search terms to make them

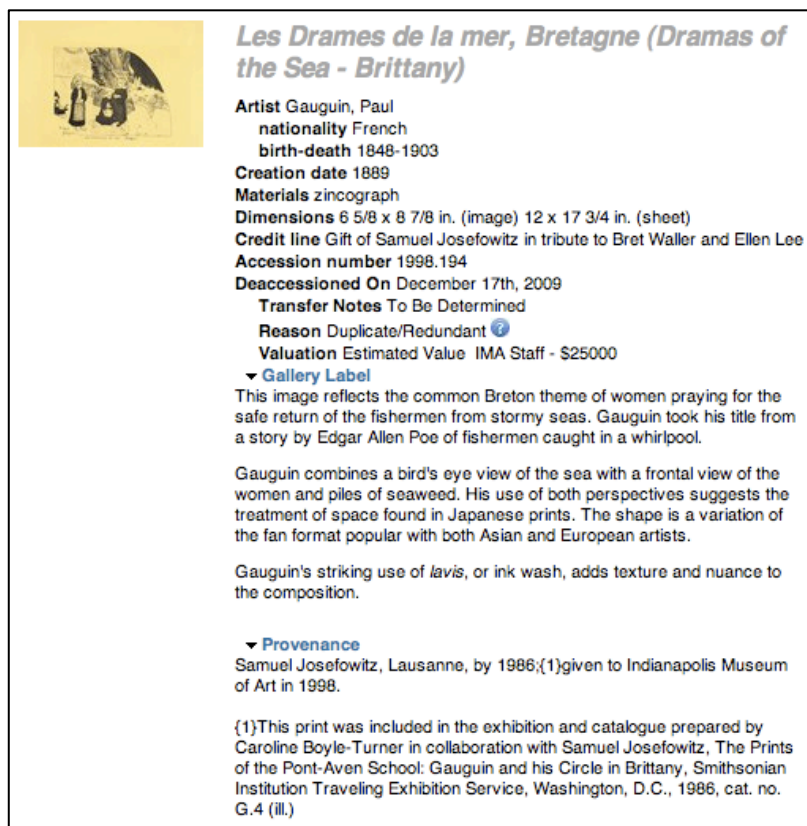
even more accessible to other users of the website. The museum's deaccession policy is linked from the main page as a PDF, which details IMA procedures for the deaccessioning process.

At first glance, the database presents a lot of useful and interesting information for the public and other museums. However, upon closer examination, the database could use more refining. Entries lack consistency in depth of information. For example, in Figure 7.1 the reason for deaccession as "not mission-relevant" seems to be an insufficient explanation for the sale of the object. By clicking on the small question mark button next to "not mission-relevant," a PDF of IMA's deaccessioning policy opens. In the policy's section on objects considered for deaccession, the relevant section for the object in Figure 7.1 is as follows, "[the Museum may deaccession] objects that are determined to be below the level of quality necessary to advance the Museum's mission" (IMA, 2008, p.1). IMA's mission is not included in their deaccession policy document. Located on another page of the museum's website, IMA's mission is to serve "the creative interests of its communities by fostering exploration of art, design, and the natural environment. The IMA promotes these interests through the collection, presentation, interpretation and conservation of its artistic, historic, and environmental assets" (2009c, para. 1). Whether the fault of the mission statement or the object itself, it is still unclear why De Marco's *Reflexion Perpetuelle* left the museum's collection. *Prima facie*, IMA's mission is to foster the exploration of art, and the object in question is in fact a work of art. The concept of the *quality* of a work is subjective. The brevity of catalogs entries can be confusing to those outside the museum profession. I suggest the addition of a very brief narrative under the reason section. The addition of slightly more in-depth explanation of the reason why a work does not meet the museum's standard of quality could help to alleviate the supposedly counter-intuitive action of an art museum disposing of its art.



**Figure 7.1: Object deaccessioned because it is “not mission-relevant”**

Conversely, the example given in Figure 7.2 offers a simple and valid explanation. The museum has more than one copy of Gauguin’s *Les Drames de la mer, Bretagne (Dramas of the Sea – Brittany)*; so one copy has been removed from the collection. This act is clearly in accordance with the IMA’s deaccession policy, which states that in the case of duplicate and redundant objects, “the museum shall retain the superior example” (2008, para. 6).



**Figure 7.2: Object deaccessioned because it is “duplicate/redundant”**

### *Stakeholders*

The stakeholders in this online deaccession database are varied. Donors, artists, museum members and visitors, IMA's staff and board, and other museum professionals are all potentially affected by an object appearing on the website. In regard to donors and artists, there could be an intense reaction to seeing their donated object, or the work they created, publicly listed as a deaccession. According to IMA's deaccession policy, donors and artists are made aware of proposed deaccessions, if at all possible:

In the case of unencumbered gifts the Curator will make reasonable efforts to contact donors, their heirs, or executors, to inform them of the proposed deaccession, but such action shall not be construed as a request for permission to deaccession nor as an attempt to return the object.... If the object is by a living artist, the Museum will attempt to contact him or her. (IMA, 2008, Procedures section, para. 5)

Even given the efforts to not make the process of deaccessioning a silent one, notifying donors and artists of the pending removal of objects from the collection, the database may still prompt hesitation in other donors and potential donors. This group of stakeholders may vary in their interpretation of the database as either an act of trust, or duplicity, between the museum and its public. Potential donors may feel discouraged from donating objects to IMA due to the very public way in which the museum deaccessions works from the collection. A donor may not wish to give art to a museum that "gets rid of donations later," or that publicizes the disposal of items that a certain donor may have given to the museum.

There are several perspectives members can take about this issue. One of which is shock or disgust that the museum they support with their money is "getting rid of the art." Conversely, they might be pleased to see the museum is removing items from the collection that are otherwise taking up valuable space in storage, do not really belong in the museum, or could



better serve some other person or institution. After all, money from auctioned objects is going directly back into buying artwork from the same curatorial area (IMA, 2008).

Another category of stakeholders, museum professionals, may learn from IMA's pioneering effort and choose to follow their lead. The database could act as a model for other museums. Even though not every museum has the resources (staff time, knowledge, or funding) to develop a similar website, IMA's database could prompt groups of museums, perhaps statewide or regionally, to collaborate on similar online initiatives.

### *Conclusion*

Museums' use of new media has the potential to continue the historical trajectory of a greater sense of agency in the visitor experience. However, even given the ever-expanding territory of new media and the potential benefits for museum visitors, namely the virtual museum, Henning (2007) proposes that technology is *not* the best way to solve collections management issues. Henning claims that the ability to catalog and make digital information about objects available via interactive kiosk or a website only serves to justify museums' practice of over-accumulation. She concludes that new media needs further exploration before it is seen as a cure for all contemporary collecting and exhibiting woes. Henning's examination encompasses both the exhibition of objects and the public's ability to access collections in storage. She makes an important argument for strong, clear collections management policies. An over-reliance on technology, like online iterations of collections management databases, may create more problems than they have the potential to solve. The issue is not necessarily better access to existing collections, but rather continues to be how to address objects that are no longer relevant to an institution.

I believe IMA's database of deaccessioned objects is an amazing example of transparency that should be developed as a model for other museums around the country. They are pioneers in this particular issue, and I admire them for facing the criticism that inevitably comes with such public endeavors. IMA's use of technology works toward resolving issues about transparency, and includes an important element of dialogue with the community (locally as well as worldwide). Confusion, or bitterness, will certainly continue to emerge as the museum publicly engages with their stakeholders over this new level of deaccessioning transparency.

The next chapter will draw together my analysis of all the issues I have presented in this study, from collections management policies and codes of ethics, to public trust and themes from the Rose Art Museum and IMA examples. I will also address recommendations for further study.

## Chapter 8: Recommendations and Conclusion

This concluding section serves to revisit the research questions guiding this study. I offer a succinct summary of the findings produced by my examination of each question. I then outline some recommendations stemming from this study. Any of my recommendations could benefit from further study.

*How do art museums' activities, centered on collections management policies, relate to their relationship with the public and the field?* Collections management policies establish the level of transparency an institution wishes to practice. In some institutions, like the Metropolitan Museum of Art, visitors accessing the collections management policy online may question why they would need special permission to view the complete section of the policy regarding deaccessioning. When an institution chooses to publicly display some portions of a policy, and not others, it raises questions about the museum's commitment to an open and trusting relationship with the public. The dissemination of policy works toward this ideal relationship with the public, equalizing power, and moving closer to the post-museum model. Transparency is especially vital since these 501(c)(3) organizations benefit from public funding and tax breaks. This primary research question also led to the idea that periodic deaccessioning, guided by rigorous collections management policies, is part of maintaining a "healthy" museum and making best use of public funds.

*What is deaccessioning, and how does it relate to ideas about cultural property?* This study established a definition of *deaccession* and addressed many disparate opinions about the practices. Through this research sub-question, I have developed my own opinion about the connotations of the term and the practice. I did not set out to state concretely whether deaccessioning should be allowed or disallowed, or whether proceeds should be used only for

acquisitions or for operating expenses. I chose to delve into this aspect of collections management to try to understand it at a different level – that of how transparency in the process may eventually build a better relationship with the public. In the U.S., deaccessioning has more negative than positive connotations. It is a practice not well understood by the public. Media attention in particular has led some museums to deaccession works quietly, with little or no public involvement before a private sale or public auction takes place. Though it is a controversial practice, both scholars and professional museum associations concur that it is necessary and should not be banned.

*What kinds of activities can a museum engage in to make their collections practices more transparent to the public?* Museums can act transparently by providing the public access to collections management policies and outlining procedures. The most common arena to make policy documents available is museum websites. Online, museums demonstrate the degree to which a museum actively engages the public in their collections management processes, or at least informs the public. As I stated in this study, the Indianapolis Museum of Art demonstrates the most aggressively transparent deaccessioning procedures. Other museums in the U.S. do have collections management policies accessible online, but IMA takes an extra step by putting deaccessioned works in their deaccession database. The Brandeis University example served to illustrate ways in which some institutions have decided to *not* act in a transparent manner.

*In what ways have the state or federal laws and professional codes of ethics that influence or govern museum behavior changed over time?* The codes of ethics first established by the professional museum associations this study addressed focused primarily on personal and institutional relationships. They set a foundation for respecting certain boundaries between museum staff, directors, and board members. They also aspired to set up a non-competitive

relationship between museums, and at least a cordial relationship with the public. Now, the codes of ethics I examined have developed to specifically address collections management. AAM, AAMD, and ICOM say very little about deaccessioning. Depending on the institution considering these codes, this brevity is either a positive or negative thing. While these codes all attempt to regulate deaccessioning, the codes are not entirely in alignment, and have no method of enforcement aside from damaged relationships with stakeholders. In regard to laws, there are no federal laws governing collections management policies and very few state laws. Only one state, New York, is considering severely restricting the practice. Presumably, the next few years will determine whether or not this bill will pass, and whether other states will follow New York's example.

### *Recommendations for a New System*

Since the iconic controversy of the Metropolitan Museum of Art's de Groot deaccession, art museums in the United States have had a nearly 40-year history of elevated scrutiny from the public, the museum field, the media, and various bodies of government. Codes of ethics have gradually shifted over time to become more rigorous, and more concerned with the public's trust. Given the variation of social and political climate from museum to museum, no certain solution has emerged for the problem of deaccessioning as it related to an art museum's relationship of trust with the public. The question inevitably arises, where do we go from here?

Museums are accountable to many different outside groups, which directly impacts museum collections and operations. These groups include government, funders, professional associations, the museum field, and most critically, the public. It is interesting to note that codes of ethics hold more and more sway in courts. With the evolution of the post-museum, state governments are showing increased interest in establishing laws to secure a relationship wherein

the museum is accountable to the public. In regard to New York's pending Brodsky Bill, a precedent for this type of government regulation does not exist in the United States. Personally, I am not convinced that state regulation is the best route to ensure museums act in the public's best interest. There may be an alternative to imposing strict state laws on deaccessioning policies and procedures – a way to highlight regional resources and extend professional and ethical oversight beyond AAM and AAMD.

Throughout the U.S., there are six regional museum associations – Association of Midwest Museums, Mid Atlantic Association of Museums, Mountain Plains Museums Association, New England Museum Association, Southeastern Museums Conference, and Western Museums Association. These associations each hold annual meetings and already partner with the AAM to assist museums all over the nation. I agree with Caruso's (2008) suggestion for seeking clearance from a museum association before going through the complete deaccessioning process. It may be prudent to set a limit on which works of art need review – for instance, exempting works valued below a certain dollar amount. A review system through the regional museum associations, given enough funding and staff, or possibly through volunteer committees, could give museums in the U.S. the type of approval they seek before engaging in controversial behavior. Alternatively, or additionally, state-level museum associations could borrow an idea from the Brodsky Bill and form approval committees of their own. These mid-level local and regional review committees have the potential to lead the way for professional museum associations to revise their codes of ethics and speak to the unique needs and values of the publics in each museum's community. I believe the museum field may eventually call for the public's involvement in the drafting of museum codes of ethics, further equalizing the museum-

public power dynamic. That way, the protection of collections and assurance that the museum acts in the best interest of its constituents is in the hands of multiple parties.

Some changes need to be made to the existing deaccessioning process in the United States. If a museum is struggling, there should be some means for it to get support and survive. If alternatives fail and the museum must consider deaccessioning from the permanent collection, the action should be a more community-based decision, still somehow serving the public interest. Professional codes of ethics restricting the use of proceeds to new acquisitions do not solve financial crises. This restriction does protect a museum's collections; it encourages the museum to not view works of art as liquid assets. However, I argue that all major professional museum associations should expand their restrictions to include (and define) care of collections. As it stands, the current buy-only restriction encourages over-accumulation.

Another possibility for reform is to put proceeds into a restricted fund – the principal would maintain the restriction that it only be used for purchases and direct care of collections, but the museum could use accrued interest for anything at all. Museums should consult with a financial advisor to determine the best means of investment. The core of the matter is that in order for museums to truly serve the public interest, they must be financially sound. Storing, displaying, preserving, and protecting the art is one concern, “keeping the lights on and everyone paid” is another entirely. A museum that struggles to stay open by cutting public programming or laying off staff is not operating at full capacity to address their mission of public service. A closed museum is obviously not serving the public interest much at all, especially if the permanent collection is auctioned off into the hands of private collectors.

*Final Comments*

This study addressed new trends and developments in the field. Government involvement is clearly on the rise. If museum professionals worry about losing the flexibility of the existing system of self-regulation, they will have to communicate, collaborate, and speak up in terms of what changes they would like to see. As time goes on, this debate has only gotten more complicated. Nearly every day, new voices are added to current situations, especially through the use of new media. This debate is not getting any closer to resolution, but it is getting louder and some parties are making bold attempts at, if not resolving the issue entirely, at least establishing some rules. The laws and ethics around deaccessioning are constantly evolving – the museum field needs stronger internal communication in order to figure out an effective system of policies, ethics, and regulations. This study may act as a springboard for others to look at museum policies in a different way – to examine what collections management policies say about the character of a museum. In the post-museum world, it is important to examine the benefits of making policies publicly accessible, and ask whether the language of those policies invites or discourages community involvement. Most importantly, museums must keep their stakeholders informed to maintain vital levels of social sustainability.



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